



MINUTES
PLANNING COMMISSION
February 24, 2014 7:00 PM
City Council Chambers – 155 NW 2nd Avenue

PRESENT: Commissioners Tyler Smith, Shawn Hensley, John Savory, and John Serlet

ABSENT: Commissioner John Proctor

STAFF: Bryan Brown, Planning Director, Angie Lehnert, Associate Planner, and Laney Fouse, Planning Staff

OTHERS:

1. CALL TO ORDER

Commissioner Smith called the meeting to order at 7 pm.

2. CITIZEN INPUT ON NON-AGENDA ITEMS

3. PUBLIC HEARING

- a. Approval of a 10.3 acre subdivision for 33 single family home lots. This is the second phase of the four phase development of the Northwoods Estates subdivision. (SUB 13-01)

Commissioner Smith opened the public hearing and read the public hearing format.

Commissioner Serlet indicated he had no ex parte contact and no conflicts.

Chair Smith, Commissioners Savory and Hensley said they had no conflicts but disclosed they had ex parte contact of a February 19, 2014, email from Bob Backstrom and they drove by the site on a daily basis and attended church nearby.

Staff Report: Angie Lehnert, Associate Planner, entered her staff report into the record. This was an application for a subdivision located at 9th Avenue between Birch and Grant. It was a 10.3 acre site which would be developed into 33 R-1 single family homes. She explained the major issues for the Commission's consideration. The traffic study evaluated the speed along Birch and found no major issues. Residents wanted a marked and signed crosswalk at Birch and 10th. The applicant had discussed putting in some traffic calming measures in the area in exchange for SDC credits, but that decision needed to be deferred to the City Council. The applicant requested transportation SDC credits for the sizing of 10th Avenue to 40 feet instead of the required 36 feet and full width improvement by St. Patrick's Church, however the Planning Commission could not waive fees. Regarding driveways, there was conflict between the Public Works design standards and the Code and a Code amendment was needed. Staff proposed a condition for residential driveway widths to specify a minimum of 12 feet, maximum of 24 feet. There were comments regarding infill homes in the neighborhood meeting minutes about

the homes not being two story but only one story. She explained how the Code defined infill lots in 16.04.255 which had to gently slope up so a two story was not at the setback line, but it still could be a two story. The conditions listed which lots would be defined as infill lots and the infill standards would be enforced on those lots. The Planning Commission could consider conditioning those lots to be single story. There also might be some height restrictions required by the CC&Rs. The Code stated any street lights should be fully shielded. The proposed lights looked like partially shielded lights and could be discussed further.

Mr. Brown said there were new lighting requirements, which could be in conflict with Canby Utility who was in charge of deciding what types of lights were allowed.

There was discussion regarding the intent of the shielded lights and what was being proposed.

Ms. Lehnert stated the Code also required lumen limits not wattage limits for a maximum of 2600 lumens for fully shielded and 800 for shielded lighting. The applicant stated the lighting would be 30,000 lumens for the local street lights and on 10th would be 5200 which exceeded the limits in the Code. Staff did not propose any lighting conditions. Regarding streets and parking, Elm Street adjacent to the park tract was proposed to be 20 feet wide. The applicant planned to have no parking along Elm and the Fire Department preferred no parking. There was a no parking condition along the one way portions of Elm although it was not required. The Code said all the local streets were 28 foot streets and would be restricted to parking on one side, however the TSP stated parking could be on both sides. Staff did not propose a parking restriction on those streets. Parking could be restricted in the future if there was a problem. Tract B would be a City park and dedicated to the City. Regarding street right of way widths and street layout, the TSP designated all the streets in the subdivision as local streets and 10th Avenue was a neighborhood collector. The Commission could require street widths to accommodate with the lot sizes. The proposal was for 4.5 foot sidewalks with a six inch curb, although 6 foot sidewalks were required. The Commission could require the 6 feet. The master plan showed planter strips along 12th Avenue, but the applicant proposed not putting them in. She explained the street extensions in the subdivision. Public Works design standards required the cul-de-sac radius to be much larger than what the applicant proposed, however the Fire Department approved it with the condition that the houses on the end would have sprinkler systems. No pedestrian ways were proposed. There was a Code provision for lots fronted by a collector and a local street, access should be taken off the lower street classification. It was not currently a condition, but the Commission could discuss it. There was a new street tree ordinance which required plantings along 10th and the lessor classification streets. Park staff would have final say on the park design.

Ms. Lehnert then reviewed the citizen comments that had been received and questions that staff needed more direction on from the Planning Commission.

Applicant: Curt McLeod, representing Northwood Investment, clarified his firm that provided the City engineering services had nothing to do with this application or review of this project. A different engineer had been hired to review it. Regarding the infill lot designation, they agreed to several lots as infill though they did not meet the need for infill requirements and many of the lots had been committed to be single story. He requested lots 52 and 54 not be designated as infill. He said this was the first subdivision

to do street lights outside of Canby Utility. They were proposing to do all LED lights that were all classified as fully shielded. The lumen limits were currently changing monthly and the lights they had selected were what Canby Utility recommended. He thought this would meet the requirement of being fully shielded and finding a good lighting level that Canby Utility would accept. Regarding parking, the Fire Department preferred no parking along Elm Street. He was concerned, however, that a few of the lots would have no guest parking. The parks department also requested places to park for maintenance. He proposed having some designated areas along the 20 foot width that allowed two or three parking spots in two or three locations or alternatively have eight foot parallel parking where it cut into the park. The plan for the area was done in 2005 and called out the footage of the cul-de-sac radius and how it would work and they planned to equip those homes with fire sprinklers. He hoped no change would be made to the radius because it would have substantial impact on the lot layouts. The entire first phase of this subdivision had 4.5 foot plus six inch curb sidewalks and he hoped they could maintain the same for the second phase to match. That was the sidewalk standard in Canby a couple of years ago. If anyone had a planter strip in front of their house, the private property owner was required to maintain it. He was proposing a planter strip along 10th Avenue for a consistent look. He preferred not to do the stamped concrete for the bump outs. He thought it made sense to have access for lots 70 and 71 off of Douglas. For lots 57 and 67 he requested they not be required to face Elm, but to face 10th as the other lots. In this subdivision, there was no HOA and everyone was responsible to enforce the CC&Rs. He was in general agreement with staff's conditions.

Proponents:

Derek Colby, PO Box 3432, Tualatin, OR 97062, was a realtor and a builder previously. Many people wanted to live in Northwoods Estates because of the quality of the development. He would hate to see a requirement for single story homes on the infill lots because it would be difficult to meet the required square footage if they didn't have the option for a second story. There could also be a problem with the infill requirements if there was development this year, and there was another economic downturn, it might make other lots infill if it was five years before anything else was built. He also thought the sidewalks should be consistent in the subdivision. If there was parking at the park, one or two could be restricted to parks maintenance vehicles and the others used for residents.

Councilor Clint Coleman, 221 N. Pine, was Council liaison to the Traffic safety Commission. He thought this was a first class development and appreciated the condition where the applicant would negotiate with the City Council for possible Transportation SDC credits for installation of traffic calming measures on Birch and Territorial.

Opponents:

Susan Sessions, 646 NW 12th Ave, was concerned about accountability since there was no HOA for enforcement of the CC&Rs. The developers said once they sold the plot, they had no control over what the builder did. She was concerned that the builders would not follow what was planned and what the City approved. Numerous builders would come in and with no one watching, the good faith agreements might go by the wayside.

Barbara Carmel, 219 NW Territorial, discussed the traffic impacts of this subdivision. She requested traffic counts and speed counts be taken at the intersection of Elm and

Territorial. If that intersection became a safety problem, and before subsequent subdivisions were approved, she requested the Planning Commission ask for before and after traffic counts and speed management. There might need to be some mitigation such as traffic calming or signals. She supported HOAs as they gave structure and accountability for neighbors after the developers left.

Logan Sessions, 646 NW 12th Ave., liked having a dead end street and wanted to delay the development until it was absolutely needed.

Neutral:

Allison Etzel, 400 NW 9th Ave., was concerned the power lines on 10th were not going to be underground. She thought it should be reconsidered as it would detract from the aesthetics of the development. Mr. Brown responded they were main feeders and too expensive to place underground.

Rebuttal:

Mr. McLeod stated there was a clause in the CC&Rs that any homeowner could call an attorney and the attorney could enforce the CC&Rs and recover the cost of the attorney's fees. He did not think an HOA would change anything. The restrictions in the CC&Rs were over and above what was required by the City. They were a legal document that bound anyone who lived in the subdivision to those requirements and anyone could enforce them. Regarding traffic and speed on Birch and Territorial, they were proposing to do traffic calming improvements for SDC credits. Three traffic studies had been done already and it was concluded that this development did not increase traffic beyond acceptable limits.

Commissioner Savory asked if they were willing to do the traffic calming. Mr. McLeod said yes, in exchange for SDC credits.

Commissioner Savory asked what would be the most effective form of calming devices.

Mr. McLeod replied bump-outs on 10th and 12th or 10th and 13th. Emergency services did not like the humps and bumps on streets which was the reason for other options.

Chair Smith closed the public hearing at 8:50 pm.

Commissioner Hensley asked if there were any bike paths in the development. Ms. Lehnert said no, they were not required. There should be a shared one on 10th, but it did not require striping.

Commissioner Hensley said if they stifled parking around the park, there would be an issue with the lots that did not have guest parking.

Commissioner Savory suggested angled parking near lots 65 and 49.

Mr. Brown said staff was against the idea of using dedicated open space for parking. It was lessening what the public had negotiated to get as a public benefit for private use.

Commissioner Serlet thought the maintenance staff parking could be used for residents when it was not needed by staff. Mr. Brown thought that would be a good compromise.

Chair Smith was in favor of having no parking on the one-way street except for a few carve outs that could be used for City staff or public parking. Condition 22 could be modified to address the issue. He questioned whether the Planning Commission had the authority to force an HOA on the neighborhood. He thought lot 52 should not be designated infill and 54 be deemed as infill. The sidewalks also needed to align and be consistent block to block. He had no concern about the sidewalk widths. Regarding the lumen lighting, the discussion had been about residential property not official street lighting. The Fire Department did not have a problem with the cul-de-sac radius, and neither did he. He questioned whether requiring the sprinklers would make a difference if the fire trucks were able to get in and out of the street.

Mr. Brown clarified it was the Fire Department that was requiring the sprinkler systems because the access wasn't adequate for normal standards. They would be opposed to the design of the subdivision if the sprinklers were not required.

Chair Smith thought the Commission should allow a flexible direction on lots 57 & 67 to be able to face 10th instead of Elm. Lot 67 would need to be taken out of Condition 75.

Commissioner Hensley suggested striking Condition 22 regarding no parking on Elm.

Chair Smith recommended no parking unless there was a cut out adjacent to the park.

Mr. Brown thought if they allowed parking on one side, the residential side, it met the TSP cross section standard, however it did not meet the Fire Department's requirements.

There was discussion regarding the pros and cons of allowing parking on one side of Elm.

Commissioner Hensley thought there should be parking on the residential side that would give the parking back to the people who were living there.

Chair Smith suggested Condition 22 be changed to state, "parking was prohibited along the park side of the one way street."

***Motion:** Commissioner Hensley moved to approve Sub 13-01 pursuant to conditions approved with an amendment to Condition 22 for no parking along the park side of Elm, amendment to Condition 75 to take out lot 67, it was the interpretation of the Planning commission that the lighting ordinance did not apply to city streets, and to remove lot 52 from the infill designation; Commissioner Savory seconded the motion. Motion passed 4/0.*

Staff would prepare findings for the next meeting.

4. NEW BUSINESS

- a. Approval of a one-year extension of the Development Agreement for the Northwoods Master Plan

***Motion:** Commissioner Savory moved to approve the one-year extension of the Development Agreement for the Northwoods Master Plan; Commissioner Hensley seconded the motion. Motion passed 4/0.*

5. CITIZEN INPUT ON NON-AGENDA ITEMS - None

6. FINAL DECISIONS - None

7. MINUTES - None

8. ITEMS OF INTEREST/REPORT FROM STAFF

- a. Next Regularly Scheduled Planning Commission – March 10, 2014

Mr. Brown said a proposed text amendment for expediting development in the Industrial Park would be discussed at the March 10 meeting.

- b. Need legal counsel on interpretation of two-story requirement

Commissioner Savory wanted to revisit the discussion regarding a second story requirement for the downtown area. He proposed eliminating the requirement.

Chair Smith said to make this change it would have to be noticed and opened for public testimony.

Mr. Brown suggested bringing several text amendments back to the Commission at the same time in one package.

9. ITEMS OF INTEREST/GUIDANCE FROM PLANNING COMMISSION

10. ADJOURNMENT

***Motion:** Commissioner Savory made a motion to adjourn; Commissioner Hensley seconded the motion. Motion passed 4/0. Meeting was adjourned at 9:27 pm.*

Assisted with Preparation of Minutes – Susan Wood