

**PLANNING COMMISSION
Meeting Agenda
Monday – August 9, 2010
7:00 PM - Regular Meeting**

**Omni Room – Applied Technology Center
Canby High School - 721 SW 4th Avenue**

Chair Dan Ewert – Vice Chair Janet Milne

Commissioners Sean Joyce, Charles Kocher, John Proctor, Misty Slagle and Randy Tessman

1. CALL TO ORDER

2. CITIZEN INPUT ON NON-AGENDA ITEMS

3. PUBLIC HEARINGS

a. Transportation System Plan (TSP) – Request for Recommendation to City Council for a Comprehensive Plan and Land Development and Planning Ordinance Amendment pertaining to adoption of the 2010 Transportation System Plan.

The TSP identifies existing and future transportation needs to guide future transportation investment in the City and determine how land use and transportation decisions can build on one another. It identifies specific transportation improvement projects and programs needed to support the City's goals and policies, serve planned growth through the year 2030, and improve safety and mobility for all travel modes in Canby.

Staff – Matilda Deas, AICP. **Page 2**

4. NEW BUSINESS

5. FINAL DECISIONS

Note: These are final, written versions of previous oral decisions. No public testimony.

a. None

6. MINUTES

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7. ITEMS OF INTEREST/REPORT FROM STAFF

8. ITEMS OF INTEREST/GUIDANCE FROM PLANNING COMMISSION

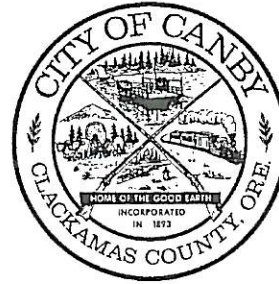
9. ADJOURNMENT

The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for person with disabilities should be made at least 48 hours before the meeting to Jill Thorn at 503-266-7001.

A copy of this agenda can be found on the City's web page at www.ci.canby.or.us

City Council and Planning Commission Meetings are broadcast live and can be viewed on OCTS Channel 5.

For a schedule of the playback times, please call 503-263-6287.



- STAFF REPORT -

APPLICANT:

City of Canby
182 N. Holly Street
Canby, OR 97013

FILE NO.:

CPA 10-01/TA 10-02
(Transportation System Plan Update)

OWNER:

Not Applicable

STAFF:

Matilda Deas, AICP
Long Range Planner

LEGAL DESCRIPTION:

Not Applicable

DATE OF REPORT:

July 30, 2010

LOCATION:

City wide

DATE OF HEARING:

August 9, 2010

COMP. PLAN DESIGNATION:

Not Applicable

ZONING DESIGNATION:

Not Applicable

I. APPLICANT'S REQUEST:

The applicant is requesting that the Planning Commission and City Council approve the adoption of an update to the City's Transportation System Plan.

II. APPLICABLE REGULATIONS

City of Canby General Ordinances:

- 16.88.160 Amendments to text of title
- 16.88.180 Comprehensive Plan Amendments (Legislative)

III. MAJOR APPROVAL CRITERIA

Section 16.88.160 Amendments to Text of Title

In judging whether or not this title should be amended or changed, the Planning Commission and City Council shall consider:

- A. The Comprehensive Plan of the City, and the plans and policies of the county, state, and local districts, in order to preserve functions and local aspects of land conservation and development;
- B. A public need for the change;
- C. Whether the proposed change will serve the public need better than any other change which might be expected to be made;
- D. Whether the change will preserve and protect the health, safety and general welfare of the residents in the community;
- E. Statewide planning goals.

Section 16.88.180 Comprehensive Plan Amendments

This is a legislative land use application. The application covers current and potential Transportation facilities throughout the City Limits and Urban Growth Boundary. In judging whether a legislative plan amendment shall be approved, the Planning Commission and City Council shall consider:

- A. The remainder of the Comprehensive Plan of the City, as well as the plans and policies of the county, state or any local school or service districts which may be affected by the amendment;
- B. A public need for the change;
- C. Whether the proposed change will serve the public need better than any other

change which might be expected to be made;

- D. Whether the change will preserve and protect the health, safety and general welfare of the residents in the community;
- E. Statewide planning goals.

IV. FINDINGS

A. Background and Relationships

The Transportation System Plan (TSP) for the City of Canby was developed in 1994 and updated in 1999. The Oregon Transportation Planning Rule requires cities in Oregon to adopt TSP's to promote orderly and efficient development of municipal transportation systems. The TSP serves as the transportation element of the comprehensive plan.

The TSP identifies existing and future transportation needs to guide future transportation investment in the City and determine how land use and transportation decisions can build on one another. It identifies specific transportation improvement projects and programs needed to support the City's goals and policies, serve planned growth through the year 2030, and improve safety and mobility for all travel modes in Canby.

This update was prepared with public and agency participation, and received direct input and direction from two advisory committees:

- Technical Advisory Committee (TAC) comprised of agency staff from ODOT, City of Canby (including on call traffic engineer and civil engineer), and Canby Area Transit.
- Citizen Advisory Committee (CAC) comprised of citizen representatives from the City Council and Planning Commission, neighborhood associations, bike and pedestrian advisory committee, and other volunteers.

This comprehensive plan amendment will allow the City to begin using the plan update as the official standard for the development of the City's transportation system.

Cities review and update Transportation System Plans as necessary, but usually within a 7-10 year cycle.

B. Comprehensive Plan Consistency Analysis

ii. URBAN GROWTH

- 2) **TO PROVIDE ADEQUATE URBANIZABLE AREA FOR THE GROWTH OF THE CITY, WITHIN THE FRAMEWORK OF AN EFFICIENT SYSTEM FOR THE TRANSITION FROM RURAL TO URBAN LAND USE.**

Policy #1: Canby shall coordinate its growth and development plans with Clackamas County.

Analysis: The plan update addresses the present and future transportation needs for the City of Canby. Several of the roads within the Canby Urban Growth Boundary are under Clackamas County jurisdiction. Clackamas County's traffic analyst participated in the discussions of the Technical Advisory Committee for the TSP update and has been involved in the policy direction. It is important to continue close cooperation with the County on projects that impact both jurisdictions.

iii. LAND USE ELEMENT

GOAL: TO GUIDE THE DEVELOPMENT AND USES OF LAND SO THAT THEY ARE ORDERLY, EFFICIENT, AESTHETICALLY PLEASING AND SUITABLY RELATED TO ONE ANOTHER.

Policy #1 Canby shall guide the course of growth and development so as to separate conflicting or incompatible uses, while grouping compatible uses.

Analysis: A safe and efficient transportation system is an integral part of the quality of life in a community. The plan update considers the current zoning and comprehensive plan designations and designs a street network and street classifications that relate to these uses. For example, neighborhoods are served by local streets and neighborhood routes. The TSP provides appropriate connections between uses.

Policy #3: Canby shall discourage any development which will result in overburdening any of the community's public facilities or services.

Analysis: The TSP update creates a street system which is adequate to serve developments reasonably forecast to occur in the various zoning districts.

iv. **TRANSPORTATION ELEMENT**

GOAL : TO DEVELOP AND MAINTAIN A TRANSPORTATION SYSTEM WHICH IS SAFE, CONVENIENT, AND ECONOMICAL.

Policy #1: Canby shall provide the necessary improvements to city streets, and will encourage the County to make the same commitment to local county roads, in an effort to keep pace with growth.

Analysis: The Transportation System Plan update identifies a number of street projects and improvements which will be completed over time. Street improvements are prioritized and a number of projects are completed each year. This includes sidewalk projects, signalization, and street widening, upgrades, and maintenance. The TSP also identifies County projects and stresses cooperation with the County on street improvements.

Policy #2: Canby shall work cooperatively with developers to assure that new streets are constructed in a timely fashion to meet the city's growth needs.

Analysis: The Canby staff and Canby Planning Commission require developers to make the necessary improvements to existing streets when applicable. If new streets are required to serve a development, the Planning Commission requires developers to construct streets to meet standards and specifications. These streets are then made public through the platting or dedication process.

Policy #3: Canby shall attempt to improve its problem intersections in keeping with its policies for upgrading of new construction of roads.

Analysis: The TSP update identifies problem intersections in Canby and

recommends financially constrained solutions. In some cases the plan recommends both short term solutions and long range solutions. Some of these projects will be financed by developers, others through SDC's or other sources.

Policy #4: Canby shall work to provide an adequate sidewalk and pedestrian pathway system to serve all residents.

Analysis: The TSP update includes a pedestrian plan which identifies areas in need of sidewalk improvements. Additionally, sidewalks are required along with all developer-sponsored projects. Canby has an additional resource in the Molalla Forest Road (Logging Road). The Logging Road provides an excellent opportunity for a traffic-free pedestrian walkway and bike path system which spans much of the city limits from north to south. The plan requires new developments which abut the logging road to provide a pedestrian and bicycle connection to the path if there is no such connection within 300' of the development.

Policy #5: Canby shall actively work toward the construction of a functional overpass or underpass to allow for traffic movement between the north and south side of town.

Analysis: Two overpasses are included in the preferred solutions package: Berg Parkway Overpass which would connect N. Baker Drive at NE 3rd Avenue to OR 99E via a grade separated RR crossing, and Otto Rd Overpass which would provide access from OR 99E to Canby Pioneer Industrial Park to the south, and to a future frontage road along the north side of OR 99E which would connect to NE 4th Avenue and provide access to Clackamas County Fair and Event Center and Canby's Downtown Commercial District.

Policy #6: Canby shall continue in its efforts to assure that all new developments provide adequate access for emergency response vehicles and the safety and convenience of the general public.

Analysis: The street cross sections and functional classifications are designed to accommodate emergency vehicles. The recommended overpasses would provide for the only grade separated RR crossings in Canby and would greatly benefit emergency responders.

Policy #7: Canby shall provide appropriate facilities for bicycles and, if found to be needed, for other slow moving, energy

efficient vehicles.

Analysis: The TSP Update provides an extensive and functional bike plan. The TSP identifies roads which will require bike lanes, those which can be bike routes, and those with shared vehicle and bicycle traffic (sharrows). Arterials and collectors are the primary streets with identified bike lanes. The Logging Road is also utilized as an effective connector for bikes. A bike and pedestrian path is planned adjacent the UPRR to connect Downtown to the Logging Rd Bridge, and a new ramp is also planned to connect the Logging Rd Bridge to the sidewalks on OR 99E. These projects will enhance bicycle and pedestrian experiences in Canby and will facilitate pedestrian and bicycle access between the Downtown, Clackamas County Fair and Events Center, and the commercial businesses located near the Fred Meyer shopping complex and adjacent to OR 99E.

Policy #8: Canby shall work cooperatively with the state department of transportation and the Southern Pacific railroad company in order to assure the safe utilization of the rail facilities.

Analysis: The TSP identifies intersections which have geometric deficiencies as a result of the railroad. These intersections are earmarked to be improved and reconstructed. In addition, the TSP mentions the need for continued coordination with Union Pacific and Oregon Pacific (formerly Southern Pacific) and the state rail division to maintain safety and the movement of goods. Grade separated crossings are the safest for traffic movement. The Berg Parkway and Otto Road overcrossings included in the preferred solutions package would provide for safe traffic movement across the rail road.

Policy #10: Canby shall work to expand mass transit opportunities on both a regional and an intra-city basis.

Analysis: Canby Area Transit (CAT) is in the process of preparing a Transit Master Plan which should be referred to for the latest information. CAT provided information which is included in the TSP. The information includes the Plan's goals and objectives, existing transit issues and a summary of key findings. Some key findings are:

- *A new larger Transit Center is needed*
- *Additional and improved bus stops with shelters are needed along OR 99E and several other key locations*
- *A park and ride facility is needed*
- *Two new routes are proposed: Canby to Salem and Canby to*

Clackamas Town Center

Policy #12: Canby shall actively promote improvements to state highways and connecting county roads which affect access to the city.

Analysis: The City has a very good relationship with representatives of Clackamas County and the Oregon Department of Transportation. As mentioned, representatives of both of these groups have been involved in the development of the TSP. All jurisdictions are committed to cooperating on street development projects.

v. ***PUBLIC FACILITIES AND SERVICES ELEMENT***

GOAL : TO ASSURE THE PROVISION OF A FULL RANGE OF PUBLIC FACILITIES AND SERVICES TO MEET THE NEEDS OF THE RESIDENTS AND PROPERTY OWNERS OF CANBY.

Policy #1: Canby shall work closely and cooperate with all entities and agencies providing public facilities and services.

Analysis: Street projects in the City of Canby are a cooperative effort between the Public Works Department, the Planning Department, the City Civil Engineer, the City Traffic Engineer, and other service providers. The collective efforts of all these City groups are joined with County and State interests when appropriate.

Policy #2: Canby shall utilize all feasible means of financing needed public improvements and shall do so in an equitable manner.

Analysis: Street projects in Canby are financed through the following methods, when applicable: System Development Charges, advanced financing districts, local improvement districts, Urban Renewal, Street Maintenance Fee, State Highway Fund (gas taxes), Federal Fund Exchange, local gas tax, construction excise tax, street repair fees and erosion control fees, interest revenue, private financing, and grants. A combination of these sources is typically utilized in the completion of improvements to the transportation system.

Conclusion Regarding Consistency with the Policies of the Canby Comprehensive Plan:

Staff concludes that the proposed Comprehensive Plan Amendment and text amendments are consistent with the policies of the Comprehensive Plan. Adoption of the 2010 Transportation System Plan Update will help to guide the efficient and effective development of the City's transportation system.

V. *CONCLUSION*

Criteria for Legislative Comprehensive Plan Amendment/Text Amendment

- A. The remainder of the Comprehensive Plan of the City, as well as the plans and policies of the county, state or any local school or service districts which may be affected by the amendment;**

The commentary under section B of the staff report addresses the remainder of the Comprehensive Plan. Representatives of the State Department of Transportation, the Department of Land Conservation and Development, Clackamas County, Canby School District and the Canby Bicycle and Pedestrian Committee were involved in the development of this document and all relevant plans were considered.

- B. A public need for the change;**

As Canby grows in the residential, commercial, and industrial sectors, the need for effective transportation planning is vital. The Transportation Systems Plan considers growth patterns over the next 20 years in the development of a functional street system. Improvements to the development code will create better neighborhood streets, streetscapes, and street safety. Bicycle and pedestrian modes of travel will also be promoted by the TSP. All of these elements combine to have a positive impact on the public. The Canby citizenry must be assured of a functional transportation system for all modes of travel and the TSP update moves toward that goal.

- C. Whether the proposed change will serve the public need better than any other change which might be expected to be made;**

Staff believes that the proposed update to the Transportation Systems Plan is an excellent planning document which will effectively guide the City's transportation services planning. Due to Canby's growth and changing needs an update to the TSP was necessary. Staff believes the proposed plan will serve the public's need for a functional transportation system.

D. Whether the change will preserve and protect the health, safety and general welfare of the residents in the community;

A well-planned network of properly functioning streets will preserve the health, safety, and welfare of Canby residents. Additionally, streetscape improvements will lead to more livable neighborhoods, and street improvements, widening, and sidewalks will promote public safety.

E. Statewide planning goals.

The TSP and a descriptive memorandum were supplied to the Department of Land Conservation and Development (DLCD) prior to the initiation of the adoption process. The DLCD will review the plan and check the goals of the plan against the statewide planning goals. The TSP directly impacts two statewide planning goals; each are discussed below.

Goal 1: Citizen Involvement.

A total of 17 public meetings 12 individual stakeholder meetings were held to discuss the Transportation Systems Plan. A Technical Advisory Committee (TAC) and a Citizen Advisory Committee (CAC) was formed to guide the process.

Goal 12: Transportation

The TSP update addresses all statewide directives with respect to transportation. The TSP update addresses multiple travel modes, creates functional classifications for streets, updates streetscapes, and creates positive connections between land use and transportation. The TSP update also includes code language which addresses compliance with the Oregon Transportation Planning Rule.

VI. RECOMMENDATION

Based on the findings and conclusions presented in this report, and without benefit of a public hearing, staff recommends that the Planning Commission advance a recommendation of approval on to the City Council on CPA 10-01/TA 10-02, an application to approve the 2010 update of the Transportation Systems Plan.

Exhibits:

1. Draft 2010 Transportation System Plan

**Correspondence received regarding the
Transportation System Plan**

To: Canby City Council, Planning Commission,

Sirs;

Your plan to convert Ivy, and Grant streets to one way traffic, are to say the least, INSANE ! The traffic in downtown Canby moves well, as it is, with easy access to all the businesses, adequate parking, and nice wide thoroughfares. Why change something that works? I, and my wife are completely against this plan, and wish to register our opposition.

Two Canby voters.

Robert and Doris Wightman




Matilda Deas

From: Kim Scheafer
Sent: Monday, July 12, 2010 7:06 AM
To: Mayor and Council
Cc: Matilda Deas; Greg Ellis
Subject: FW: inquiry_from_chamber_website
 FYI -

From: Robert Backstrom [mailto:bback@canby.com]
Sent: Friday, July 09, 2010 8:48 PM
To: Kim Scheafer
Subject: Fw: inquiry_from_chamber_website

Hi Kim, Would you please forward this to all of the city council members. Thanks, Karelyn Backstrom
 ----- Original Message -----

From: Robert Backstrom
To: chamber@canby.com
Sent: Friday, July 09, 2010 8:44 PM
Subject: inquiry_from_chamber_website

Hello, I have just read the article regarding the one way street plans for Grant and Ivy. This is the most ridiculous thing I have ever heard of. We want people to shop at our local stores, now we put up a WALL, that tells citizens that we would rather have you go to Wilsonville, Or. City or any place but downtown Canby to shop.

Parsons has been a wonderful business in our town for many years, now the City council wants to shut them down. This does not only affect Parsons, but all of the businesses in the Graham bldg., the Credit Union, the sports store, the vitamin store, the mattress store, and Canby pub and grill That is just to name a few. How about how it will affect Thriftway? The Cutsforth's have been a huge supporter of Canby, why should they continue to do so?

The City Council, needs to find other ways to spend their time, and leave what is good for Canby alone. This is not Los Angeles, this is our town CANBY.

If they want one way streets, then maybe they should move to Portland, and they can have all of the one way streets they want.

Thanks,
 Karelyn Backstrom

From: Melody Thompson
Sent: Tuesday, July 13, 2010 5:07 PM
To: 'Sid Brown'
Cc: Jill Thorn; Kim Scheafer; Greg Ellis; Mayor and Council; Matilda Deas
Subject: RE: one way streets
Attachments: Melody Thompson.vcf

Sid, thank you for the e-mail and input. I am forwarding it on to the rest of the council so they are aware. The TSP draft will be before the Planning Commission for a hearing in the near future. I encourage you to attend and be heard here as well, or – to send additional input to them? I am copying Jill Thorn who works with the Planning Commission on your e-mail so she might notify you of the hearing, and copying the City Council and our City Administrator Greg Ellis.

Hope your summer is going well!

Sincerely,

Melody Thompson
Mayor - City of Canby
PO Box 930/182 N. Holly
Canby OR 97013
(503) 266-4021 City Hall
thompsonm@ci.canby.or.us

From: Sid Brown [mailto:essbee37@canby.com]
Sent: Monday, July 12, 2010 5:44 PM
To: Melody Thompson
Subject: one way streets

Dear Mayor,

We read about the proposed one way street grid and we are opposed to such action. We agree with the downtown merchants that this will hurt business. And to remove homes along Holly Street just adds insult to injury. Let this proposal die!

Sid and Sheila Brown

Matilda Deas

From: Jeff & Sharon Wright [wrightj@canby.com]

Sent: Wednesday, July 14, 2010 9:38 AM

To: Matilda Deas

Subject: Transportation system Plan

I moved to Canby over 25 years ago, I have seen it go thru many changes and growth. When I first moved here, it was a small sweet town with two stop lights, it has since grown larger and larger, more industries have moved in, more stores, more people, more schools and more taxes.... and now we have 7 stop lights just on 99E.

Who ever dreamed up this new transportation system plan must be doing drugs. What makes anyone think that one-way streets are the way to go for this down? I cannot image what would posses the City of Canby of even taking a second thought about one-way streets. Portland is loaded with one-way streets and they have major traffic and parking problems. Why send someone around blocks when they can go directly to a destination? When Canby beatified Second Street it made a traffic nightmare, the street is way to narrow, getting out of parking slots is dangerous, I hate going to that section of town, evidently, you did not learn anything from that enormous expenditure.

Having Ivy St one way is insane, this street is a main turn off from 99E for people coming and going into the rural areas, to the school, adult center, and the Adult Living complex. Making Grant the opposite way is just as bad. Both these streets are main accesses too many of the towns businesses, I can tell you from personal experience, that people will not want to deal with one way streets if they have another choice. Many of the other changes that call for one-way traffic send more cars thru residential streets, which in any sane persons mind is both dangerous and unwarranted.

Just because you have to have a future transportation plan does not mean you have to make radical unnecessary changes. With all the necessary things you could spend money on why would you spend it on something so blatantly not needed or wanted?

Sharon L. Johnson

REIF, REIF & THALHOFER
ATTORNEYS AT LAW

RAYMOND R. REIF (1924-2006)
R. ROGER REIF
PAUL T. THALHOFER

273 N. GRANT STREET
CANBY, OREGON 97013

PHONE: (503) 266-3456
FAX: (503) 266-8555
www.canbylaw.com

July 14, 2010

RECEIVED

JUL 15 2010

CITY OF CANBY

City of Canby
Planning Commission
P. O. Box 930
Canby OR 97013

RE: Transportation System Plan Update Comments

To Whom It May Concern:

I reside within the City and also own real property commonly described as 273 N. Grant Street. I am in opposition to one-way traffic on Ivy Street and Grant Street as well as the conversion of NE 3rd and 4th to one-way flow from the fairgrounds to Locust Street.

To begin with, I recognize the need for a "plan". However, sometimes the best plan is to do nothing. The one-way traffic is a seriously flawed plan. The streets are sufficiently wide and can handle the traffic. I believe the one-way conversion will adversely affect business owners. I have been a businessman in the community for approximately 35 years. During those 35 years, I have received numerous comments that the wide streets, reasonably good parking (when compared to other municipalities), and lack of one-way traffic is a "PLUS". I am convinced the public does not want one-way traffic in a commercial/retail area. One-way on the freeway is one thing. One-way in a small commercial area is another.

I am certain there will be other comments from school officials and fellow businessmen.

With change brings concerns. Do not vote for the one-way streets and we will "work it in" over the next 20 years. A better transportation plan is to work on improved ingress and egress to the highway.

I am writing this letter on behalf of myself and my business. I am not acting as a representative of any other business.

In summary, I can support some aspects of the transportation system plan update but am very much opposed to the proposed one-way alignment.

Sincerely yours,



R. Roger Reif

ROG/dw
Pc: Canby Chamber of Commerce
Canby City Council

Jeanne McTavish
840 NW Knights Bridge Road
Canby, OR 97013
July 8, 2010

Canby City Council

Dear Council Members:

I strongly object to the plan to make Grant and Ivy Streets one way and restrict access from 99E to the downtown area. After all the money spent to make the downtown core attractive, this plan seems designed to destroy it. Circling the core with a one-way traffic corridor will negate all the previous projects designed to save the business core of downtown. Rounding the Knights Bridge Ivy Street corner can only destroy what is now a quiet residential corner that supports the pedestrians and bike riders on their way to shop downtown. It will destroy pedestrian and bicycle friendly routes to accommodate trucks. Cars can already manage the existing corners. Trucks already have alternate routes. There can be no justification for these proposed changes.

Sincerely,



Jeanne McTavish

RECEIVED
JUL 19 2010
CITY OF CANBY.

Betty J. Ramey
660 N. Ivy St.
Canby, Oregon 97013-3036

RECEIVED
JUL 26 2010
CITY OF CANBY

July 22, 2010

Matilda Deas, AICP
City of Canby Transportation Plan
Update Project Manager
182 N. Holly Street
Canby, OR 97013

Dear Ms. Deas:

I received the mailing on the City of Canby's 2010 Transportation System Plan Update and read the article in the July 17th issue of The Canby Herald. I do have some concerns and I do understand this is a 20-year plan and the projects listed may never be instituted.

My concerns are about the vehicle solutions package key projects three and four of those listed. As a past member of the City Traffic Commission, I cannot envision how making Ivy one way north from S. 2nd to N. 6th. This means one way traffic on S. Ivy for one block and involves crossing Highway 99E. S. Ivy also becomes Highway 170 one of the main routes to Molalla. How is that one block going to help traffic flow? I can only see major problems. Then, there is the one way southbound traffic scheduled for Grant St. The one block on the south side takes in the area of the funeral home and on the north side, the grade school. In most cities, if one street is one way one direction the next street is one way the other way which means Holly St. would be the street for southbound traffic but there is no S. Holly St. for that one block. Actually, according to the map, S. Holly St. does not start until S. 4th and then is only accessed off S. 6th.

My other concern is the conversion of NE 3rd and NE 4th to one way flow from the fairgrounds to Locust. Since NE 3rd ends at what would be Manzanita, we are talking about one block. How is that going to help traffic flow? Did your consulting firm even come out and look at the street pattern? I do realize that there are traffic problems during fair week on those two streets. It would seem more to the point to make them one way from Ivy but there is still the problem when NE 3rd ends, as I previously mentioned, at what would be Manzanita.

I can only hope as time goes by and if finances become available that these two items are dropped from the plan. I did not reapply to be on the Traffic Safety Commis-

sion due to my arthritis making it impossible for me to get around and view the locations of concern to the committee. I'm almost housebound now with the arthritis and am unable to attend the public hearings scheduled for August 9th and 18th.

Yours truly,



Copy to: Planning Commission
→ City Council

To Review the Transportation System Plan please go to this link:

[http:// www.ci.canby.or.us/documents/TSP_Final6-30-10.pdf](http://www.ci.canby.or.us/documents/TSP_Final6-30-10.pdf)

MINUTES
CANBY PLANNING COMMISSION
7:00 PM – July 26, 2010
City Council Chambers – 155 NW 2nd Avenue

PRESENT: Vice Chair Jan Milne, Commissioners Sean Joyce, Chuck Kocher, and Misty Slagle

ABSENT: Chair Dan Ewert, Commissioners John Proctor and Randy Tessman

STAFF: Bryan Brown, Planning Director and Jill Thorn, Planning Staff

OTHERS PRESENT: Brian Hodson, City Councilor and Planning Commission Liaison; Luana Hill, Bob Hill and Gerald Engler

1. CALL TO ORDER

2. CITIZEN INPUT

3. PUBLIC HEARINGS

a. **MLP 10-01 – Wholesale Real Estate LLC** – The applicant is seeking approval of a Minor Land Partition application for two lots at 228 NE 10th Avenue. One lot will be 7,000 sq ft and the remaining lot of 10,920 sq ft will contain the existing house. (Clackamas County Assessor Map & Tax Lot No. 31E33BA 02000).

Vice Chair Milne 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. Commissioners Kocher and Milne stated they had visited the site, but had not drawn any conclusions. No questions were asked of the Commissioners.

Bryan Brown, Planning Director, entered the July 12, 2010, staff report into the record. Mr. Brown reported that Luana Hill had requested information about the application. She had concerns as to whether infill standards would be in place if and when a home was built on the new lot.

Commissioner Joyce asked if there would be sidewalks required on 10th Avenue in front of the existing home. Mr. Brown indicated it is a usual standard requirement and had been initially requested during the pre-application meeting.

Commissioner Slagle asked if the existing driveway on Juniper Street would be removed. Mr. Brown said it would be removed.

Commissioner Kocher asked if the original garage would be made into a garage again. He felt this would then allow for more parking in the driveway. Mr. Brown suggested that was a question for the applicant.

Commissioner Kocher asked if there would be a fence to separate the two properties. Mr. Brown said that would be between the two property owners.

Applicant: **Gerald Engler**, representing Wholesale Real Estate LLC, stated he was in agreement with the conditions as shown in the staff report. He said he was not planning to build on the new lot, but would probably put it up for sale.

He said the garage is unfinished and it would be fairly easy to return the building to a garage.

Mr. Engler said the new driveway on Juniper would be dictated by the location of a future house.

Mr. Engler said he would prefer not to have to put the sidewalk on 10th Avenue for several reasons. One it would save money; two it would create a patch work of sidewalk to nowhere and at some future time a LID could be formed to put sidewalks on the entire portion of 10th Avenue.

Commissioner Milne stated she agreed with his points on the sidewalk on 10th Avenue.

Commissioner Joyce asked about the garage and finishing it. Mr. Engler said it would probably be a point of negotiation at the time of sale.

Commissioner Kocher asked if the sidewalk was not constructed on 10th Avenue would there be enough room from to park two cars in the driveway. Mr. Engler said that was probably correct.

Proponents: **None**

Opponents: **Luana Hill** of 260 NE 10th Avenue said she was concerned about tree removal. Her property is totally secluded. She said it was wrong for the city code to allow two-story homes in neighborhoods of only one-story homes. She felt her property would be devalued if the application was approved.

Commissioner Milne asked if this site would be subject to the infill standards. Mr. Brown said it would be determined at the time of a building permit is received as we do not know at this point if two adjacent homes are within 25 feet of the common property line of this lot.

Commissioner Milne asked if the purchaser of Lot 2 should clear cut the property would there be any trees left on other property. Mr. Brown said he always has concerns about removal of trees but Canby had no code to prevent removal of trees on private property. Some of the trees shown are on the adjacent lot to the north.

Commissioner Milne said that even if there was a condition that the trees were to remain, it is hard to enforce as trees become diseased and have to be removed.

Commissioner Milne said she agreed with Mrs. Hill about the dividing of lots in neighborhoods that are well established.

Commissioner Kocher said he agreed with Mrs. Hill and he especially disliked flag lots, but our code allowed these things.

Commissioner Joyce said he had concerns about the driveway on 10th Avenue and sight clearance.

Mr. Brown said it met the street triangle vision requirement and is existing.

Commissioner Kocher said he was opposed to requiring the sidewalk on 10th Avenue.

Neutral: None

Rebuttal: **Gerald Engler** stated that putting in sidewalks piece meal made no sense. He said that even if the garage was converted back to a garage so that the driveway would allow for the parking of two vehicles, more than likely the garage would be a place to store stuff.

Mr. Engler said that no developer wants to take trees out. He felt a home could be built without having to remove the trees.

Mr. Engler said that if a two-story home was built it would be 40 ft to 50 ft away from Mrs. Hill's home and that this would be at the back of the current lot and Mrs. Hill's home sat to the front of her lot.

Commissioner Kocher wondered if when garage in the back was removed, could the driveway be moved from 10th Avenue to Juniper Street.

Mr. Brown said there needs to be 30 feet between the driveways and that could hamper the placement of the driveway for the new second lot.

Vice Chair Milne closed the public hearing.

Commissioner Joyce proposed a modification to Condition 2 to require ADA requirements for the sidewalk on Juniper and 10th Avenue. He felt all the criteria for this application had been met.

Commissioner Slagle said the sidewalk on 10th Avenue was unnecessary.

Commissioner Milne felt that in the future the LID process was available to fund sidewalks on 10th Avenue.

Commissioner Joyce moved that the Planning Commission approve application MLP 10-01 – Wholesale Real Estate LLC as presented in the staff report and Condition 2 be modified to require ADA requirements on Juniper Street at the corner. It was seconded by Commissioner Slagle. The motion passed 4-0.

4. NEW BUSINESS None

5. FINAL DECISIONS

a. MLP 10-01 – Wholesale Real Estate LLC - It was moved by Commissioner Joyce to approve the written findings for MLP 10-01 – Wholesale Real Estate LLC – as presented with the modification of Condition 2 for ADA requirements on Juniper Street. It was seconded by Commissioner Kocher. The motion passed 4-0.

6. MINUTES

a. June 28, 2010 - Commissioner Kocher moved to approve minutes of June 28, 2010 as presented. Motion seconded by Commissioner Slagle and passed 4-0.

7. ITEMS OF INTEREST FROM STAFF Bryan Brown reported an offer had been made to an individual for the Associate Planner position and the background check was in process.

8. ITEMS OF INTEREST/GUIDANCE FROM PLANNING COMMISSION **None**

9. ADJOURNMENT