

**CANBY PLANNING COMMISSION**  
**Special Meeting**

**September 21, 1992**

**7:30 p.m.**

**APPROVED**

---

**I. ROLL CALL**

Present: Chairman Schrader, Vice-Chair Mihata, Commissioners Fenske, Gustafson, Zieg and Maher.

Staff Present: Robert Hoffman, Planning Director; Jim Wheeler, Assistant Planner; John Kelley, City Attorney; Mike Jordan, City Administrator, and Joyce Faltus, Secretary.

Others Present: Dan Larson, Ron Ziebart, Carole J. Berggren, Mark Keysboe, Bob Martin, Bob Wood, Scott Gustafson, Nancy Murphy, Linda Peck, Donna Ylvisaker, Roger and Jean Hudson, Larry and Lori Leavitt, April Schuster, Don Baldwin, W.H. Burnum, Nancy Salber, Walt West, Hans O. Jacobsen, Rosemary Shiolas, T. Shiolas, Richard Hawley

**II. MINUTES**

The Minutes of August 10, 1992 and August 24, 1992 were both approved unanimously, as submitted.

**III. COMMUNICATIONS**

*None*

**IV. FINDINGS**

Commissioner Fenske moved for approval of CPA 92-02 (City of Canby) Findings, Conclusions and Order. Commissioner Mihata seconded the motion and it carried unanimously.

Consideration of the Findings, Conclusions and Orders for **SUB 92-05 (Dave Anderson/Douglas Hanson)** and **SUB 92-03/PUD 92-01 (Cedar Ridge Replat)** were carried over to **September 28, 1992.**

## **V. PUBLIC HEARINGS**

**DR 92-08**, an application by **Walter West Construction** for Site and Design Review approval of a 56-unit apartment project, **Redwood Terrace Apartments**. The proposal includes forty-four 2-bedroom/2-bath units, and twelve 1-bedroom/1-bath units, 56 carports, additional parking, an office, exercise room, and spa. The parcel is located on the south side of Territorial Road and east side of N. Redwood Street (Tax Lot 702 [part] of Tax Map 3-1E-27C). *Continued from September 14, 1992.*

Chairman Schrader explained the hearing process and procedures. He asked if any Commissioners had ex-parte contact or conflict of interest. Commissioners Schrader and Maher explained that they had visited the site but had drawn no conclusions.

Jim Wheeler presented the staff report. Referring to maps on the wall, Mr. Wheeler pointed to the 3.92 acre area zoned R-2, and explained that the remaining part of the parcel was zoned R-1. He pointed out surrounding land uses. The house immediately to the west is not presently within the City limits, nor is the parcel zoned rural-residential, lying directly south of the southern portion of this parcel. Mr. Wheeler outlined the Urban Growth Area on the map.

The subject property had been given Conditional Use approval for an adult care center in 1990, which development has been canceled due to financial constraints. The proposed use is appropriate for the zoning classification. Because of the mixed residential density in the area, the Comprehensive Plan designates this area as an area of special concern. The City is currently upgrading the sewer treatment plant and will be able to properly handle the load placed on it by the proposed development. The sewer line in Redwood is approximately 4 to 6 feet deep and may not be deep enough to be used by the apartment buildings on the eastern side of the subject parcel. The sewer line in Territorial is pressurized and cannot be connected along the subject parcel's frontage but, possibly, a line could be extended to the lift station at the Willow Creek Estates subdivision. Any such solution would need to be approved by the Public Works Director. On-site disposal of storm water will be necessary. The water main will need to be extended down Redwood the southern portion of the property to the developed.

Due to wetlands existing on the site, the applicant has maintained at least a 15 foot separation between any building or paved surface and the wetland boundary, which

has been determined to be conservatively shown, showing more wetland than was depicted on the original wetland delineation study. Another 15 foot setback is reserved to any building line, totaling an effective 30 foot buffer from the wetlands. The hazard overlay zone has been determined to be at the flood plain, which is at the 84 foot elevation for this vicinity. All development is proposed to be above the 84 foot level of elevation and, therefore, none of the development is within the flood zone, so the hazard overlay zone is not effective for this development. The wetlands will remain as open space on the site. The portion of the property that will be developed has road frontage along both Territorial and Redwood and access is proposed to be from both public streets, which will both have to be widened and improved with sidewalks and curbs. Land dedication will be needed for the improvements and widening. Contribution toward traffic improvements at the intersection of 99-E and Territorial will be required. In order to comply with the Solar Ordinance, the proposal has been changed, removing a few proposed trees which would have improperly shaded one of the residential buildings. The landscaping plan, with the exception of a few existing trees bordering the wetlands, proposes only trees which are listed as "solar friendly." Additionally, the vegetation will not hinder vehicular or pedestrian access or travel. A total of 124 parking spaces are required, and 129 are proposed. Fifty-six spaces will be covered and 4 will be reserved for handicapped parking. The parking spaces are so located to provide parking in close proximity for each individual building. Seventeen trees are proposed for the parking area and an additional 84 trees in and around the buildings. Seven existing trees outside of the wetlands will be retained. Shrubs and bushes are widely utilized in the landscaping plan. Excluding the 10 foot strip of land to be dedicated along Territorial and Redwood Streets, and excluding the area in the wetlands buffer, there is approximately 37% of the developable site is landscaped, with only 5% in bark dust or bark chips. Roofing material is composite shingles; siding is lap board with cedar trim and corner boards. Cedar railings will be used for second story decks. The applicant proposes two entrances, one from Redwood and one from Territorial. With an access point on each of those streets, traffic impact will be kept to a minimum on those roads. The drive through the development is 24 feet wide, meeting the Code requirements. Although sidewalks are provided around the parking area, they are not connected to the sidewalks that will be along Territorial and Redwood. A sidewalk on at least one side of both access drives must be installed to connect the sidewalks around the parking area and the sidewalks on the public roads. One or two of the proposed trees will have to be relocated or eliminated to install the additional sidewalks. Residential buildings will be two stories, with the exception of the office and maintenance and recreation building, which will be one story. All residential buildings will have 2-bedroom units except Building "F", which will have twelve 1-bedroom apartments. There are 7 residential buildings.

Mr. Wheeler stated that staff recommends approval and then reviewed staff's proposed conditions of approval which include a 10 foot strip of land along Territorial to be dedicated for street widening purposes, for a sidewalk and a bike path. Another 10 foot strip of land should be dedicated along Redwood for street widening and a sidewalk. The dedication should proceed 400 feet south on Redwood, to the southern portion of the property. However, the actual widening of the street and the installation of the sewer line down Redwood should only proceed along the development site, in the R-2 portion. Mr. Wheeler explained that the applicant has submitted a Minor Land Partition application to divide the R-1 from the R-2 area. After the Minor Land Partition is heard, and if it is approved, the improvements further south would be continued when the R-1 portion is developed. Another proposed condition recommends that the applicant contribute his "fair share" towards the cost of traffic improvements at the intersection of Territorial and 99-E. He also revised proposed Conditions #1 and #6 and added a new proposed Condition #8.

### **Applicant**

**Mark Keysboe, Project Manager, Walter West Construction, P.O. Box 426, Wilsonville** described the proposal and added that it would be an up-scale project. He submitted, as Exhibit 10, an advertisement of a Walter West apartment complex, Hillsdale Heights, and explained that the one proposed for Canby would be similar. The two bedroom/two bath units would rent in the \$600 range and the one bedroom units would be in the \$500 range. Mr. Keysboe further stated that he concurs with the conditions proposed by staff, including dedication of additional road width for a bike path, and a sidewalk on Territorial. With regard to the "fair share" contribution toward improvements at Territorial and 99-E, Mr. Keysboe stated that the City and County should pay part of the costs of such traffic improvements, with this project participating for its portion. All other developments in the area should be assessed a fair share accordingly, he added. The developer intends to develop both portions of the parcel, but the southern half will be developed at a later time. With regard to play areas, Mr. Keysboe explained that there will be open space in the R-1 area to the south, which the apartment complex would be permitted to make use of. Mr. Keysboe added that the developer is proposing to install more landscaping than is required, and that he agreed the buffer at the southern edge of proposed Parcel #1 should be in larger plantings. He was unable to address the number of children likely to live in the complex as he has not seen statistics regarding the number of children in Canby apartment complexes.

## Proponents

**Dan Larson, 390 N.W. 2nd** stated that the services are available to increase the density of the complex. He stated that the proposal meets the criteria and is properly zoned for the use, and should be reviewed under the Design Review Ordinance criteria. Furthermore, Mr. Larson stated that the property is zoned for a higher density than that which is being applied for. When his application for the Canby Care Center on this site came before the Planning Commission, opponents stated they would prefer a residential development. He urged Commission approval of the application.

**Bob Wood, Box 3637, Salem** stated that he is the engineer for the developer and that the sewer line will be extended, through a 12 inch main to serve this complex, except for two units, which will require a lift station. While it is technically feasible to pump into an existing pressure main, Mr. Wood said it is not considered good engineering practices to do so because if both pumps came on at the same time, there is a chance the line could be overloaded. The lift station at Willow Creek, Mr. Wood stated, would not be usable as it was meant for properties to the east. There are ways to ensure storm water does not flow into the wetlands and this has been discussed with the Director of Public Works. There are many methods of treating stormwater runoff before it goes into the wetlands area.

**Ron Ziebart, Salem**, stated that based on the statistical data provided by the City, in the form of the 1990 Census, he estimates that in 42 2-bedroom units, there would be 26 children.

## Opposition

**Scott Gustafson, 1860 N. Redwood** stated that he lives just south of the proposed development. With regard to the Design Review criteria, Mr. Gustafson explained that he would like to address numbers 2, 3, and 6. The premise of design review is that compatible areas are kept together and to maintain the standard of development in any given area. He referenced the major approval criteria listed in the staff report and questioned whether this proposal conforms. Under Criteria #2, Mr. Gustafson compared what is proposed to various developments in Canby, which offer many amenities, asking if the current proposal is compatible to them. Further, he addressed his concern about the architectural design and materials being used. He suggested the fence at Willow Creek be continued past this development. The exterior of the buildings should include extensive brick fascia and cedar siding, and roofs should be shake or tile. Parking should be, if not fully enclosed, three-sided. Since apartments

will naturally house children, a play area is mandatory. Mr. Gustafson also addressed his concern about traffic impacts, especially the fact that there are no shoulders at the intersection of Redwood and Territorial. He suggested that additional trees should be planted as a buffer for adjacent neighbors to the south, and the shrubs should be taller than 3 feet.

**Carole Jean Berggren, 1868 N. Redwood Street** stated that she concurred with Mr. Gustafson's testimony. She submitted "Considerations for Further Conditions and/or specifications of Design Elements," Exhibit 8. Ms. Berggren discussed the history of the wetland area, especially where it was referred to as a "swamp" at a 1980 Planning Commission meeting. Although 1992 has been an exceptionally dry year, Ms. Berggren stated that she recently visited the wetland area and, in a shallow hole, could see water, confirming her suspicions that surface water runs very high. Additionally, Ms. Berggren stated that she did not believe the designated open space is a defined safe play area for children, especially as there are no nearby public playgrounds or parks within walking distance. The unprotected open space in the development is an invitation to accidents, as is the heavy traffic in the area, including heavy logging traffic on Territorial.

Staff recommends half street improvements on Territorial and Redwood. Ms. Berggren stated that this should be expanded to full street improvements at the intersection of Territorial, a main arterial, and Redwood, a collector street. Both streets, she added, are experiencing increased traffic, with heavier traffic volumes projected. Both the volume and speed of vehicles approaching the intersection causes concern. The proposed development, having access on to Redwood will significantly impact traffic. The Comprehensive Plan discourages half street development. A condition of the annexation decision was that the developer would pay for all development costs. As an adjacent neighbor and taxpayer, Ms. Berggren stated that she does not support taxpayers subsidizing the improvements. Financing solutions such as an L.I.D. are not supported by the neighborhood. Although the area lies in the UGB, the character is more rural and infrastructure needs should be a consideration in the developer's total picture, prior to development.

**Hans O. Jacobsen, 1850 N. Redwood** asked if, with all the traffic Redwood now has, Redwood could really handle the extra traffic volume from the proposed apartments. He pointed out that Redwood is very narrow road which is breaking up from the traffic volume it now carries. He further stated he concurs with Ms. Berggren's and Mr. Gustafson's testimony.

**Dick Hawley, 2023 N. Redwood** stated that the impact of traffic volume will be worst at the corner of Redwood and Territorial, where he lives. The increased traffic and speed has had a very bad impact on this rural area. He urged the Commission to give major consideration to traffic control and its impact in this area.

---

**AFTER A SHORT RECESS, CHAIRMAN SCHRADER ANNOUNCED THAT ZC 92-02 WOULD DEFINITELY BE HELD OVER TO SEPTEMBER 28, 1992, AND WOULD BE SECOND ON THE AGENDA**

---

### **Rebuttal**

**Mark Keysboe, Walter West Construction** stated that he reviewed the Canby Care Center file with regard to opposition to that proposal for this parcel. Most people opposed the Conditional Use because the property was not going to be utilized according to its zoning. The proposal under consideration is a permitted use for the site, and the developer is not maximizing the number of units that could go on the property. The applicant is doing everything possible to work with the City and meet all the requirements of the Site and Design Review Ordinance. Canby has an excellent school system and offers many wonderful parks and a pool for its children. Nearby Willow Creek Estates is not indicative of residences in the general vicinity. For the most part, there are average homes and another apartment complex. With regard to traffic, the applicant is improving the entire perimeter of the property with half-street improvements and sidewalks. The street will be widened and improved from the centerline to the property edge. Mr. Keysboe agreed that something is needed to impose speed restrictions in the area. To mitigate some of the impact of traffic from Redwood, the applicant has indicated an access on Redwood and on Territorial. Mr. Keysboe did not feel that the brick fence should have to be extended from Willow Creek, nor did he think cedar roofing or better siding was necessary, although there is brick planned for a part of the fascia of the building to tie in somewhat with Willow Creek. Further, Mr. Keysboe agreed that the southern property line should have larger buffer plantings in order to buffer the two story buildings from adjacent properties to the south. The wetlands on the southern portion of the property will most likely be dedicated to the City.

With no further testimony, the public portion of the hearing was closed for Commission deliberation. Issues discussed:

1. That the bike path on Territorial should be accommodated within the roadway with between centerline and curb, as in the Willow Creek Subdivision. Therefore, proposed Condition #1 would be amended to make the bike paths compatible and to provide the City residents with a bike path system in accordance with the Comprehensive Plan and the approved Parks Plan. Provision of a bike path consistent with and as a continuation of adjacent bike paths is necessary for the safe and orderly conduct of bike traffic.
2. Whether L.I.D.'s are covered under Measure #5 and if an L.I.D. should be specified in proposed Condition #2. The Commissioners agreed that contribution to the cost of providing traffic control improvements to the intersection of Territorial Road and 99-E is appropriate and necessary in that the proposed use will contribute to the intersection's traffic problems. This requirement is consistent with the requirements of similar developments that are expected to contribute to the traffic of intersections that are known or believed to need traffic control improvements.
3. That the proposal for the apartment complex is an outright permitted use in an R-2 zone.
4. That requiring street widening, curbs, and sidewalks for both Territorial Road and N. Redwood Street is appropriate in that it is consistent with City policy.
5. The extension of utilities to the end of the property is an appropriate condition in that it is consistent with City policy. City policy requires developers to extend utility services to the end of the property in order that adjacent property can extend and utilize the utility service. The primary means of providing utility services to areas currently without them, is through extension of services in properties being developed.
6. Special attention is needed in addressing the storm water drainage system for the property, especially the eastern portion of the developable part of the property adjacent to the wetlands. It has been shown that flooding and high ground water do occur in this area, even though it is outside of the 100-year floodplain. Proper drainage is feasible and will need to meet the approval of the Director of Public Works, for assurance of compliance with City standards.



7. Provision of street and utility improvements in N. Redwood Street to the south of the portion of property that is being developed is unnecessary provided that an approved and signed Minor Land Partition plat is filed with the County that divides the developed and undeveloped portions of the property. An application has been filed with the City to partition the R-2 portion of the property from the R-1 portion (the developed from the undeveloped). If the plat is approved and filed with the County, street and utility improvements will be required at the time that the R-1 portion of the property is developed, by the developer of that property.
8. Connecting the proposed internal sidewalk system to both Territorial Road and N. Redwood Street on at least one side of the access drives is necessary both to meet the requirements of the land development ordinance and to provide a safe pedestrian path from the public streets to the apartments.
9. In order to provide a distinct buffer between the proposed multi-family development and the future single-family development to the south, additional trees are needed along the southern boundary line between the proposed development and the remaining land. The number of additional trees need to be sufficient to provide the visual buffer desired while still retaining sufficient room for healthy growth.
10. In order to comply with the intentions of the Solar Access Ordinance, even if it does not strictly apply in this particular circumstance, the additional trees need to be of a type found on the "solar friendly" tree list as found in the City Planning office.
11. The Planning Commission discussed the location, design, size, color and materials of exterior structures of the proposed development. The Planning Commission considered how the appearance, in material, color, size and design, of the proposed development related to the urban developments of Willow Creek Estates subdivision (single family homes), North Pine Addition II subdivision (single family homes), Willamette Green (condominiums), Maple Terrace Apartments, Pinewood Estates (apartments), and individual single family homes along Territorial Road.

12. Concern was expressed regarding outdoor recreation space and/or facilities for children. It was recognized that the apartments will have some children in residence. A possible site for park facilities was discussed, which is located in the undeveloped portion of the property and is zoned R-1. The Planning Commission discussed the possibility of requiring, as a part of development of that portion of the property that is zoned R-1, the development of a park, designed in conjunction with the multi-family development.

Based on the findings and conclusions in the staff report dated September 4, 1992, and on testimony at this hearing, and on Commission deliberations, **Commissioner Maher moved to approve DR 92-08 with conditions as recommended by staff and amended as follows:**

1. **The applicant shall dedicate an additional ten (10) feet of right-of-way along Territorial Road and Redwood Street. Half-street improvements shall be provided by the developer and shall include pavement, five (5) foot sidewalks and curbs, a six (6) foot bikeway for Territorial Road, urban-type street lighting, and shall meet Canby Construction Standards. The bikeway for Territorial Road shall be consistent with and match with the bikeway provided for Territorial Road to the east, adjacent to the Willow Creek subdivision. Right-of-way designs and construction designs shall be approved by the Director of Public Works. Street pavement width from centerline to curb shall be twenty-two (22) feet on Territorial Road, and twenty (20) feet on Redwood Street. Road widening, with curb and sidewalk shall be constructed on N. Redwood Street to the southern property boundary.**
2. **The applicant shall provide a waiver of remonstrance for any traffic improvements needed for N.E. Territorial Road and N. Redwood Street.**
3. **The building permit shall be issued only after the developer has provided written agreement to participate in funding its proportional share of the needed improvements or has provided an actual cash contribution accepted by City Council as a "fair share" contribution toward improvements at N.E. Territorial Road and 99-E.**

4. **During construction, erosion control shall follow the Erosion/Sedimentation Control Plans Technical Guidance Handbook for Clackamas County, August 1991 (as amended).**
5. **Utility easements shall be provided and shall be twelve (12) feet along Redwood and Territorial. Additional permanent construction and maintenance easements for utilities including, but not limited to, water lines and pipes, electric cables, conduits and wires, shall be provided wherever such facilities run on the property.**
6. **A twelve (12") inch water line shall be constructed from the water main in Territorial and Redwood south, along Redwood to the southern end of the property. Water lines shall be constructed to the standards established by the Canby Utility Bound. Hydrants shall meet CUB and the Fire Marshal's requirements. Electric service and street lights shall meet CUB requirements. Street, curb, sidewalk, and sanitary sewer construction shall meet the requirements of the Director of Public Works. Special attention shall be paid to the storm water drainage for the property. Storm water drainage plans shall meet the requirements of the Director of Public Works.**
7. **The applicant shall participate in a preconstruction meeting with City staff, CUB, the fire district, etc., prior to construction.**
8. **The developer shall provide street and utility improvements in N. Redwood Street to the southern property boundary unless an approved and signed Minor Land Partition plat is filed with the County. If an approved and signed Minor Land Partition plat is filed with the County, the developer will be required to provide street and utility improvements in N. Redwood Street only to the southern end of the portion of the property that is being developed.**
9. **The internal sidewalk system shall extend from S. Redwood Street to Territorial Road on at least one side of the access drives.**

10. **Additional trees shall be added to the southern end of the portion of the property that is being developed. The additional trees shall be "solar friendly" as shown on the list in the City Planning Office. The additional trees shall span the width of the property in conjunction with the row of shrubs as shown on the approved landscape plan (August 18, 1992), and shall be spaced to provide the maximum number of trees possible while retaining the appropriate amount of room for the health of each tree, as determined by a landscape architect.**
  
11. **As a part of the development of the overall parcel, it is expected that the developer of the remaining portion of the property (6.45 acres, R-1 zone) will dedicate land for a park. This will be expected at the time that the R-1 portion of the property is developed, whether or not it is developed by the current owner or applicant.**

**Commissioner Fenske seconded the motion and it carried unanimously.**

-----

**MLP 92-09, an application by Rosemary and Tom Shiolas for approval to partition a .48 acre parcel into two parcels for the purpose of creating a building lot to the east of the existing home. The parcel is located at 1430 N. Pine Street (Tax Lot 1501 of Tax Map 3-1E-34B). *Continued from September 14, 1992.***

Chairman Schrader asked if any of the Commissioners had ex-parte contact or conflict of interest. Other than visiting the site and drawing no conclusions, there was none indicated. He then reviewed the hearing process and procedures.

Jim Wheeler presented the staff report. He explained that the entire parcel is zoned R-1. The property has 90 feet of road frontage along N. Pine Street and 230 feet of road frontage along N.E. 15th Avenue. There is a house on proposed Parcel 1. The property immediately to the south has applied for annexation into the City and will be developed for single family residential use. A single family residential development exists to the east, north and west. On site disposal of storm water will be required. Access to Parcel #1 and the existing house is from N. Pine Street. Access to Parcel #2 will be from N.E. 15th Avenue. The developer of N. Pine Addition #2 has applied for advanced financing and, if approved, the developer of Parcel #2 would need to reimburse a portion of the improvement costs and utilities involved with the

construction of N.E. 15th Avenue. Dedication of 10 feet of land for road widening purposes along N. Pine is necessary. Along with the dedication, N. Pine will need to be widened with curb and sidewalk. The City policy regarding a sidewalk on the N.E. 15th Avenue frontage would create difficulties for Parcel #1. The existing house on Parcel #1 will need to be connected to the City's sewer system as it is within 100 feet of an existing sewer line. Parcel 2 can be served with all utilities from N.E. 15th Avenue. Mr. Wheeler further explained that this is a nonconforming lot, not a nonconforming use. He then reviewed staff's proposed conditions of approval.

### **Applicant**

**Rosemary Shiolas, 1430 N. Pine** requested that the Commission not condition a sidewalk on the north side of Parcel #1 because it would create excessive hardship, expense, and devalue the property. In addition, it would affect the aesthetic quality of the immediate area because there are 33 pyramidalis arborvitae trees, each approximately 20 feet high, growing along the north property line. The north property line is only 4'6" from the edge of the carport and a sidewalk on 15th Avenue would necessitate removing the trees and 43 feet of existing fence, a 20 foot juniper tree, and the storage shed. Other trees would be impacted also. If a new fence is not constructed, privacy would be reduced to zero because the sidewalk would be immediately adjacent to the carport and dining area of the home. Mrs. Shiolas estimated the costs associated with sidewalk construction on 15th Avenue to be between \$3,125 and \$4,150, which seems very unreasonable as there is a new sidewalk across the street on 15th Avenue. It will cost approximately \$3,700 to pave 10 feet of Pine and install a curb and sidewalk along the property frontage. Mrs. Shiolas suggested the Commission visit the site and view the situation.

With no further testimony, the public portion of the hearing was closed for Commission deliberation. Issues included:

1. The Commission discussed nonconforming uses and structures. It was agreed the subdivision to the north created the nonconforming lot.
2. Dedication of ten (10) feet of land along N. Pine Street for street widening purposes is appropriate in that N. Pine Street has been widened along all developed properties within the city. It is the policy of the City to require dedication of land for street widening purposes at the earliest possible time in the land use application process.

3. Requirement of widening of N. Pine Street with curb and sidewalk prior to the filing of the Final Plat is appropriate in that parcel one, which fronts N. Pine Street, has already been developed. The city policy is to require improvements such as street widening, sidewalks, and curbs at the time that parcel that front the street in question is developed. Parcel one has been developed, and therefore improvements are required at the earliest possible time. Bonding of the improvements in accordance with Section 16.64.070 of the City Code is a suitable alternative to construction of the improvements prior to the signing of the final plat.
4. In order to provide a safe intersection at N. Pine Street and N.E. 15th Avenue, it is necessary to enforce adherence to the City's vision clearance standards at all opportunities. The corner of the intersection that is on parcel one has a large hedge row that is within the vision clearance area and is therefore a safety hazard.
5. Requiring a sidewalk on parcel two along N.E. 15th Avenue is appropriate for the purposes of providing safe pedestrian paths.
6. Requiring a sidewalk on parcel one along N.E. 15th Avenue is not appropriate in the interest of preserving trees, avoiding undue financial hardship, and consistency of land use decisions. Parcel one has an established row of arborvitae trees along the north property line, with a carport less than five feet from the trees. Removal of these trees for a sidewalk would unduly infringe upon the existing house. The location of N.E. 15th Avenue was approved without the provision for sidewalk or room for sidewalk. The Planning Commission finds that in not requiring the adjoining subdivider to provide either a sidewalk or room for a sidewalk as a part of the construction of N.E. 15th Avenue, that it would be an inconsistent land use decision to burden the property owner of parcel one of this partition with the requirement of providing a sidewalk. The applicant did provide sufficient evidence of a financial hardship in providing a sidewalk for parcel one along N.E. 15th Avenue.

Based on the findings and conclusions in the staff report dated September 4, 1992, and on testimony at this hearing, and on Commission deliberations, **Commissioner Fenske moved to approve MLP 92-09 with the following conditions as suggested by staff, and amended:**

1. **A final partition plat modified to illustrate the conditions of approval, shall be submitted to the City Planner for review and approval. The final partition plat shall reference this land use application -- City of Canby, Planning Department, File No. MLP 92-09.**
2. **The final partition plat shall be a surveyed plat map meeting all of the specifications required by the Clackamas County Surveyor. Said partition map shall be recorded with the Clackamas County Surveyor and Clackamas County Clerk, and a copy of the recorded map shall be provided to the Canby Planning Department.**
3. **A new deed and legal description for the new parcel shall be prepared and recorded with the Clackamas County Clerk. A copy of the new deeds shall be provided to the Canby Planning Department.**
4. **All monumentation and recording fees shall be borne by the applicant.**
5. **Ten (10) feet of land for street widening purposes along N. Pine Street shall be dedicated as part of the final partition.**
6. **N. Pine Street shall be widened, with curbs and a sidewalk. Designs and specifications of the improvements shall be approved by the Director of Public Works.**
7. **A thirty (30) foot area for vision clearance shall be established on parcel one for the intersection of N. Pine Street and N.E. 15th Avenue.**
8. **The improvements to N. Pine Street shall be completed prior to the signing of the final partition plat or the land divider shall follow the provisions of Section 16.64.070 Improvements, in particular, but not limited to, subparagraph (O) Bonds, which requires a performance bond for improvements.**

9. A sidewalk along N.E. 15th Avenue for parcel two shall be installed prior to the occupancy of any structure on parcel two. No sidewalk shall be required for parcel one along N.E. 15th Avenue.
  
10. Permanent utility construction and maintenance easements including, but not limited to, electric and water cables, pipeline conduits and poles shall be provided as follows:  

6 feet in width along interior lot lines; and,  
12 feet in width along exterior lot lines.
  
11. All utilities must meet the standards and criteria of the providing utility authority.

Commissioner Zieg seconded the motion and it carried unanimously.

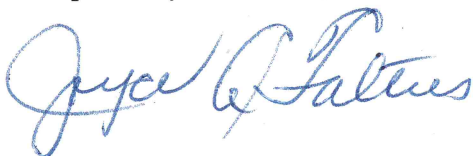
**VI. DIRECTOR'S REPORT**

Mr. Hoffman reported on upcoming applications the City has received.

**VII. ADJOURNMENT**

The meeting was adjourned at 11:15.

Respectfully submitted,



Joyce A. Faltus