

**APPROVED**

**CANBY PLANNING COMMISSION**  
**Regular Meeting**

**November 23, 1992**

**7:30 p.m.**

**I. ROLL CALL**

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

Staff Present: Jim Wheeler, Assistant Planner; and Joyce Faltus, Secretary.

Others Present: Peter Underhill (DeAnza Corp.), Walter Daniels, Ronald Tatone, Bill Garmire, Dave Nelson and Katherine Norris Ellickson.

**II. MINUTES**

The minutes for **October 26, 1992** were held over to the December 14, 1992 meeting.

**III. CITIZEN INPUT ON NON-AGENDA ITEMS**

None

**IV. COMMUNICATIONS**

The Commission noted a copy of a letter Mr. Hoffman sent to Mr. Michael Christiansen of the Clackamas County Department of Transportation and Development regarding a request that the County review speed limits on Redwood, between 99-E and Territorial, in light of the urbanizing development which is beginning to occur along Redwood.

**V. FINDINGS**

The Commission unanimously approved **SUB 92-08 Findings, Conclusions and Order (Redwood Meadows)**, as amended to signify that Chairman Schrader had been absent from the oral vote and Commissioner Gustafson was absent.

## **VI. NEW BUSINESS**

None

## **VII. PUBLIC HEARINGS**

**DR 92-11**, a Design Review application by David Nelson for a five unit expansion of an existing manufactured home park, Village on the Lochs. The site is located at the end of S. Elm Street (Tax Lot 1300 of Tax Map 4-1E-4C).

Chairman Schrader asked if any Commissioner had ex-parte contact or conflict of interest. None was indicated. He then explained the hearing process and procedures.

Jim Wheeler presented the staff report, explaining that this 5-unit manufactured home park is an expansion of the already approved Village on the Lochs. He reviewed the history of this application in that the Planning Commission denied the Conditional Use application (CUP 92-04) on June 29, 1992, but that it was approved by the City Council on appeal on August 5, 1992. There is a stick built home adjacent to this property which is virtually surrounded by Elmwood Mobile Home Park to the north, this 5-unit park to the east, and the main portion of Village on the Lochs below the bluff and to the south. Part of the mitigation measures for this approved use is a fence which will be built between this property and the properties to the north and west (Condition #4 of CUP 92-04). This phase of Village on the Lochs is located at the end of S. Elm Street, at the top of the bluff, above Phase I. The landscaping of the common area amounts to 16-1/2% of the site, and does not include landscaping on the individual lots or on the bluff. Some of the landscaping was proposed as part of Phase I, specifically the landscaping that includes the sound barrier wall, and the street trees. The Conditional Use Permit required that at least 50% of the remaining area and each of the individual lots are to be landscaped. Those requirements appear to have been met. There is an existing hedge on the northern and western boundary which is to be trimmed and maintained. A 4-foot fence shall be installed along the northern boundary and a 6-foot good-neighbor wooden fence shall be installed along the western boundary. He also pointed out existing trees which are exempt from meeting the Solar Access Ordinance, that are to remain, and described the planned street trees, Red Sunset Maple, which are considered solar-unfriendly. Red Sunset Maples must be set back further from the sidewalk as they tend to cause buckling in the sidewalk.

A majority of the trees planned for individual lots are solar-unfriendly and staff recommends that the applicant plant solar friendly trees instead because there is essentially no place where solar unfriendly trees that will not hinder solar access. One of the varieties of shrubs planned has caused problems near a restaurant in Canby,

as it appeared to have attracted rodents. Staff recommends that the applicant consider a different shrub so as not to create a potential problem.

The applicant proposes a 2' X 3' white metal sign at the entrance, on a wooden post, a few feet off the ground. The sign will indicate Village on the Locks II, 1615 S. Elm Street, Lots 1-5, and give the manager's address. As set up by the Conditional Use approval, the homes will be double and/or triple wide units, with double car garages, with treated wood or masonry skirting.

### **Applicant**

**Dave Nelson, 25610 S.W. Mountain Rd., West Linn,** stated that one of the reasons the top of the slope was disturbed was to successfully clean it up, especially due to the debris it contained. With regard to the slope stability, Mr. Nelson explained that he has played on it all during his childhood and it presented no problem whatsoever. In terms of safety, he explained that with the development of Cedar Ridge, it has become safer and, at the request of the City, it was scaled properly. He further explained that a landscape plan will be submitted for each lot. One of the homes planned for these lots is 2,500 square feet, which is indicative of the type of homes that will be placed there. The buildings will occupy approximately 50% of the lot footage, leaving 50% to be landscaped, and very little bark dust will be used. The Red Sunset trees that Mr. Wheeler mentioned as being solar unfriendly are very closely branched and very pretty. If the Commission wishes though, as they are yet unplanted, another tree can be planted instead. The reason many of the trees on the list are solar unfriendly is because they are native trees. There are areas along the wetlands where the botanist felt a lot of natural vegetation should be placed. After discussions with staff, Mr. Nelson explained, he planned to include more ornamental trees and shrubs than originally planned. Once the plant matter is agreed upon, landscaping will begin. The existing trail is wider than it is planned for, and will be filled in later. No vehicular traffic shall be allowed on the trail but, for the present time, it was necessary to have work vehicles access it. There will be no access across the stream later either, as the present pipe that permits access will be removed. The small identification sign at the entry will indicate where the manager lives and what spaces are in that location. The individual homes will have wood siding or siding that has a wood-like appearance. Paint colors will have to be approved by management. Homes must have a contrasting trim, and colors that blend in well.

### **Proponents**

**Peter Underhill, representing DeAnza Corporation Realty Fund, Elmwood Mobile Home Park** stated that he has worked with the applicant in reviewing his plans and he supports this application. The standards of the proposal are very high and requests approval of the application.

## Neither For Nor Against

**Kathy Ellickson, 2880 N. Maple Court** stated that she owns 1625 S. Elm, the property which is most greatly impacted by this proposal. She referred to an agreement with Mr. Nelson regarding the design of this parcel, which included a stipulation that the sign would be at the base of the development going into Phase I and that there would be no sign in this area. A sign in this area would be in direct conflict with the present use of the home. The proposed sign appears to be much too large. It is proposed to be placed at the top of the hill, directly at the end of the driveway to her home. Not only would be confusing to passerbys, but it is in violation of the agreement.

## Rebuttal

**Dave Nelson** explained that the sign would be lower than her driveway. After talking with Ms. Ellickson he explained he would make it smaller but he believes it is necessary for identification purposes in case of an emergency.

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

1. The Commission asked staff about the backing and turning radius due to the close proximity of three garages.
2. The Solar Access Ordinance was adopted after the most recent Street Tree Ordinance and the recommended street tree list does not account for solar access considerations. Although Phase I of the Village on the Lochs project was reviewed and approved under the regulations prior to the adoption of the Solar Access Ordinance, the Commission agreed that it is feasible and appropriate that the applicant plant solar friendly street trees as none of the streets trees in Phase I or II have yet been planted.
3. The Commission agreed with staff's recommendation that trees for individual lot landscaping should be restricted to "solar friendly" trees.
4. Staff explained that the City has experienced some vermin problems related to andorra juniper. The Commission considered it appropriate and prudent to substitute the proposed andorra juniper with another low shrub.
5. After considering Mrs. Ellickson's testimony with regard to signs in the agreement between the Ellicksons and Mr. Nelson, and after considering the

safety considerations which require that addresses be readable from a public right-of-way, the Commission agreed that a minimally sized sign for the express purpose of address identification is allowable for this project.

Based on the findings and conclusions in the staff report dated November 13, 1992, on testimony at this hearing, and on Commission deliberation, **Vice-Chair Mihata moved for approval of DR 92-11, with the following conditions:**

- 1. The conditions of approval for the Conditional Use Permit (CUP 92-04) are considered to apply, in addition to the conditions of approval of this Design Review application.**
- 2. During construction, erosion control shall follow the Erosion/Sedimentation Control Plans Technical Guidance Handbook for Clackamas County, August 1991 (as amended).**
- 3. The applicant shall participate in a preconstruction meeting with City staff, CUB, the fire district, etc., prior to construction.**
- 4. The Red Sunset Maple shall be replaced with a solar-friendly tree approved by the City Planner, the Planning Commission hereby amends the approval of DR 91-08 to allow the planting of the approved alternative trees along the S. Elm Street extension. This is to allow for the same type of street tree to be planted along the S. Elm Street extension.**
- 5. The statements and conditions provided by the applicant in the application exhibit 'E' Installation/Landscaping (Exhibit 2) are hereby incorporated as modified on page 10 (D.7. Overall Site Impact) as a condition of approval.**
- 6. The "Suggested landscape material list" for individual home sites submitted as a part of the application shall be revised to allow only trees that are listed as "solar-friendly" trees on the list in the City Planning office. The revised list is hereby incorporated in the conditions of approval, provided it is found by the City Planner to be consistent with the approved list of "solar-friendly" trees.**
- 7. The andorra juniper proposed to be planted next to S. Elm Street shall be replaced with a low hedge on the west side of S. Elm Street and another type of shrub on the east side of S. Elm Street.**

8. **The sign at the driveway entrance shall be minimum in size and for address identification purposes only. The sign shall not be larger than one (1) foot by three (3) feet.**

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

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**CUP 92-11**, an application by Ronald G. Tatone (applicant) and Canby Christian Church (owner) for approval to extend the asphaltic concrete and stormwater drainage system to provide additional parking for the church. The site is located at 444 N. Holly Street, between N.W. 4th Avenue and N.W. 5th Avenue (Tax Lots 10500, 10600, 10700, 10800 and 10900 of Tax Map 3-1E-33CA).

Chairman Schrader asked if any Commissioner had ex-parte contact or conflict of interest. Other than visiting the site, but drawing no conclusions, no ex-parte contact or conflict of interest was indicated. He then reviewed the hearing process and procedures.

Jim Wheeler presented the staff report. He reviewed the history of the property. This application is for the expansion of an existing, approved use. Because the principal and accessory uses are not located on the same parcel, a Conditional Use Permit is required. Mr. Wheeler reviewed the site plan which was submitted with the application. For a parking lot of the size proposed, four handicapped parking spaces are required, one of which must be accessible by a van for the handicapped. Such a space must abut 8 foot wide access lane. The regular parking spaces shown on the site plan are 10 inches larger than standard sized spaces, so there is enough space to provide two additional handicapped parking spaces without any loss in the overall number of parking spaces. For the same reason, space number 70, which cannot be used because the walnut tree will be retained, can be eliminated. If the remaining spaces are reduced to the standard 8'6" size, revisions could be accomplished without any loss in the total number of parking spaces. There is a driveway in place which, at the current time and under current regulations, is less than the required 50 feet away from an arterial, N. Holly Street. Staff proposes that the driveway not be widened. As it is an existing, previously approved situation, staff recommends that traffic exit-only and be required to make a right hand turn. Distances between driveways are required to be 40 feet. The proposed driveways will have to be moved slightly to meet this requirement. There are existing sections of sidewalk on N.W. 5th that are cracked or damaged, which will need to be replaced. Additionally, the sidewalk should be a full 5-feet in width, but routed around the existing Walnut tree. Vehicles entering from the alley currently exit on 5th Avenue, an accepted traffic flow. At the time of the previous Conditional Use approval, the Planning Commission directed the

applicant to expand this parking lot by obtaining ownership (when possible) of the adjacent land. This has now been accomplished. Because no building permit will be required, there will be no site and design review of the parking lot expansion.

### **Applicant**

**Ron Tatone, 3727 S.E. 8th Avenue, Portland, OR 97202** addressed staff's recommendation that the walnut tree remain. He asked that the Commission give the applicant the opportunity to decide whether or not the walnut tree remains or is replaced with another tree. Mr. Tatone concurred with all other aspects of the staff report, including the recommendation that exit traffic turn right only.

### **Proponents**

**Walt Daniels, 687 N. Ash** stated that the parking lot expansion is essential. The property that was purchased recently, in order to facilitate this expansion, was purchased from the Salvation Army, to whom the original owner sold the parcel. Membership has increased to the point where three services are held on Sundays, which will not overtax the parking lot. When the time is right, the church hopes to purchase the entire block. The church officials still believe there is a need for a church in the downtown area.

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

1. The Commission discussed landscaping in the parking lot with regard to Section 16.49.120, Parking Lot Standards. Placing conditions on a new Conditional Use or the alteration of an existing Conditional Use allows the Planning Commission to impose conditions that it finds necessary to avoid any detrimental impact, and to protect the interests of the surrounding area, and the community as a whole. It was agreed that landscaping similar to what would be required under Site and Design Review should be conditioned. Criteria A was specifically discussed.

**Ron Tatone** explained that the arbivitea hedge on N. Holly would be continued on N.W. 5th to obscure the site from neighboring properties. A 10 foot planting strip is planned for N.W. 5th Avenue. There will be additional plantings in the parking strip between the curb and the property line. If a percentage of the total area is required for landscaping, the church would be gaining very little additional parking area. He stated that they still have the bank's parking lot to use on Sundays and that there are street spaces available. The original building expansion was done to meet the church's needs, as is the proposed application's intention, which will only add 28 parking spaces.

Further, Mr. Tatone explained that a wood fence exists between the house on the northeast corner and the parking lot, but it is not sight-obscuring.

The Design Review landscaping requirements were then discussed, which requires that landscaping take place within the parking lot itself and does not include the strips outside of it. This would result in great net loss to the proposed 50 spaces. The Commission agreed to pro-rate the amount of landscaping required for the additional parking area over the entire development. The Commission also indicated it would like to see trees in the landscape plan, as per Section 16.49.120(5), but not necessarily the requirement of one tree per 8 parking spaces (1 tree per 16 spaces would suffice). The Commission also agreed to retain the walnut tree.

**Commissioner Fenske moved to continue CUP 92-11 to December 14, 1992, directing staff to develop criteria for the parking lot landscaping, to meet the intent of Design Review Criteria, and submit a landscape plan. The recommendation is based on Section 16.49.020(A), applied per Section 16.50.040. Commissioner Zieg seconded the motion and it carried unanimously.**

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**MLP 92-11**, an application by Zarosinski-Tatone Engineer's, Inc. (applicant) and William Garmire (owner) for approval to partition a 47,444 square foot parcel into two parcels, 26,069 square feet and 21,375 square feet, respectively, removing the existing shed from the site. The parcel is located on the south side of N.E. Territorial Road, between N. Laurelwood Circle and N. Maple Street (Tax Lot 1300 of Tax Map 3-1E-28DC).

Chairman Schrader asked if any Commissioner had ex-parte contact or conflict of interest. Other than a site visit which produced no conclusions, no ex-parte contact or conflict of interest was indicated. He then reviewed the hearing process and procedures.

Jim Wheeler presented the staff report. He explained that this area is a multi-family residential use area. He stated that the proposed parcel will continue to be used for a single family residence, although the shed will be removed. The new parcel can be used for either single family structures (minimum 4) or a multi-family development, with enough area for at least nine units. At the present time, there is no development being proposed for the new parcel (#1). Access for both parcels will come from N.E. Territorial. There appears to be a 20 foot easement on the east, which could provide access to N. Maple. Dedication of land for road widening and improvements on Territorial Road, and construction of the improvements will be required prior to occupancy of any development on Parcel #1. With regard to proposed Condition #9, Mr. Wheeler explained that the City will be seeking an amendment to Section 16.64.070 allowing for more flexible solutions for guaranteeing that necessary



improvements be completed. Both staff and the City Attorney believe that an agreement between the owner of the subject parcel and the City, guaranteeing the installation of the required improvements prior to occupancy is acceptable, rather than the applicant having to post a bond. Although the potential for access to Parcel #1 from Maple Street exists, staff believes that access from Territorial would be more appropriate and would disrupt general traffic flow on both streets to a lesser extent. All services are available with adequate capacity. Because there may be some problems with storm water drainage after improvements are made to Territorial, the storm water management design for Parcel #1 will need to be approved by the Director of Public Works. The existing house is connected to the City sewer. If development takes place on proposed Parcel #1, a County permit will be necessary for the necessary street cut to hook up to City sewer.

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

### **Applicant**

**Ron Tatone** stated that he would like to alter the lot line to move it over approximately 30 feet east so it is angled less. He further explained that the sewer laterals are already in place. Mr. Tatone questioned why access to proposed Parcel #1 is restricted to Territorial Road and pointed out that if Manzanita was extended in the future such restriction would prevent that access.

**Bill Garmire, 531 N.E. Territorial Road** explained that the existing shed is on the partition line and that it would be removed. He explained that the lot line was angled so much because he'd needed more footage to add 8 feet to his garage. Mr. Garmire concurred with Mr. Tatone, that the line would be moved approximately 30 feet east, but assured the Commission that proposed Parcel #1 would remain at a minimum of 25,000 square feet.

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

1. The odd shape of the partition line and adding a condition permitting the applicant to move the partition line up to 30 feet to the east.
2. Whether access to Parcel #1 should be limited to Territorial due to the possibility of an existing easement on the southern portion of the property.

3. Sewer laterals were extended to the subject parcel at the time that the sewer line was constructed in Territorial Road. Therefore proposed Condition #1 is not needed.

Based on the testimony at the November 23, 1992 public hearing, the findings and conclusions contained in the staff report dated November 13, 1992, and on Commission deliberation at this meeting, **Commissioner Zieg moved for approval of MLP 92-11, with the following conditions:**

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 92-11.**
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 parcels 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. **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.
6. **All utilities must meet the standards and criteria of the providing utility authority.**
7. **Ten (10) feet of land for street widening purposes along N.E. Territorial Road shall be dedicated as part of the final partition.**
8. **N.E. Territorial Road shall be widened, with curbs and a sidewalk. Designs and specifications of the improvements shall be approved by the Director of Public Works.**

9. An agreement with the City shall be completed prior to the signing of the final plat. The agreement shall guarantee that the improvements to the entire frontage of N.E. Territorial Road shall be completed prior to occupancy of any development of Parcel #1.
10. The storm water management design in conjunction with the improvements of N.E. Territorial Road shall be approved by the Director of Public Works.
11. Access to Parcel #1 shall be restricted to Territorial Road unless further review by the Planning Commission occurs.
12. The point of intersection of the parcel line between Parcels #1 and #2 and the southern property line shall be moved up to 30' feet to the east.

Commissioner Maher seconded the motion and it carried unanimously.

#### ***VIII. DIRECTOR'S REPORT***

The Commission was invited to the Historic Task Force/City Council workshop on December 2, 1992. Mr. Hoffman expected to recommend that the Draft Historic Preservation Ordinance come before the Planning Commission for a public hearing.

#### ***IX. ADJOURNMENT***

The meeting was adjourned at 10:35 p.m.

Respectfully submitted,



Joyce A. Faltus