

CANBY PLANNING COMMISSION
Regular Meeting

January 25, 1993

7:30 p.m.

I. ROLL CALL

Present: Chairman Schrader, Vice-Chair Mihata, Commissioners B. Gustafson, Fenske, Wiegand, Maher, Elliot.

Staff Present: Robert Hoffman, Planning Director; Jim Wheeler, Assistant Planner; and Joyce Faltus, Secretary.

Others Present: Ron Tatone, Greg Anderson, Cheryl Anderson, Dave Anderson.

II. MINUTES

None

III. CITIZEN INPUT ON NON-AGENDA ITEMS

None

IV. COMMUNICATIONS

None

V. FINDINGS

Commissioner Fenske moved to approve the **Findings, Conclusions and Order for DR 92-08A [Redwood Terrace Apartments]**. Commissioner Mihata seconded the motion and it carried 4-0, with Commissioner Elliot, Gustafson and Wiegand abstaining.

VI. NEW BUSINESS

None

VII. PUBLIC HEARINGS

SUB 92-06, an application by Ronald G. Tatone for approval of a Subdivision application to create a 10 lot single family residential subdivision [**Lillian's Meadow II**]. The property is located north of Knights Bridge Road and west of N.W. Ash Street (Tax Lot 325 of Tax Map 3-1E-32A).

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

Jim Wheeler presented the staff report. He reviewed the history of Lillian's Meadow I, which was first approved in January, 1991, for 14 lots. Mr. Wheeler reviewed some conditions of approval of SUB 90-05, the original subdivision, which are no longer necessary or required. Specifically, the condition calling for "No-Right-Turn" signs to be placed at the intersections of N.W. Aspen and 9th and N.W. Aspen and 10th, as it was agreed, at the January 11, 1993 Planning Commission meeting, that because the portion of N.W. Aspen near Knights Bridge Road was widened by 6 feet, the signs were no longer necessary. Further, the County has turned the right-of-way for the old Knights Bridge Road over to the City. The City is expected to vacate the right-of-way at the February 3rd City Council meeting. A 10 foot access easement is needed for the Mitsch and DuPont parcels, which should be accomplished as part of the vacation process. Additionally, staff is recommending that the City does not accept Mr. Tatone's offer of \$5,000 toward any park dedication and, instead, that the Parks System Development Charge be implemented.

There has been no changes between the 1990 plat that was submitted and the present plat. The parcel is zoned R-1 and is consistent with surrounding development. The proposed sewer, water, fire protection, and storm water drainage plans have been reviewed and they will not overburden the public facilities and services. On-site disposal of storm water will be necessary. The proposed road system will connect with the roads in Phase I of Lillian's Meadow. The portion of the proposed right-of-way that is not within the property boundary lines has been dedicated to the City, and the full width of the road will need to be constructed as part of the subdivision. Contributions to the cost of the construction of the road will be coordinated with the Director of Public Works. The old Knights Bridge Road right-of-way located along the

southern boundary line will be vacated. A 10 foot access easement will be retained for the adjoining property owners to the south and west, and those property owners have agreed to the vacation. The east-west portion of the road to be built, which is the access along the extension from Ash, should be named N.W. 8th Way. This road will meet the Ash and Baker extensions. Mr. Wheeler further explained that 80% of the lots meet the Solar Access Standards. The sewer lines that exist in N.W. Ash and N.W Baker are too shallow to be extended to this entire phase and will service only Lots 15, 17 and 18. The rest of the lots will be served by a sewer line in the utility easement along the southern boundary line. A lateral will be extended from the southern boundary line sewer, in between Lots 22 and 23, to Lot 16, which is the only practical way to service Lot 16. There is currently a 4 inch water line that services the DuPont property, to the west, and a water line in Ash and Baker, which will be connected into a looped system. The Fire Marshal would like a fire hydrant located between Lots 23 and 24. A turnaround was shown on the original plat, on what will now be the end of the future 8th Way. Mr. Wheeler suggested either adding a condition covering the vacation of the right-of-way at the southern border of the parcel or holding the final order up until the vacation process has been completed. He also proposed adding another condition of approval that an emergency vehicle turnaround shall be installed at the west end of N.W. 8th Way, as designed in the original 1990 plat for Phase 2.

Applicant

Ron Tatone, P.O. Box 114, 1127 N.W. 12th Avenue, Canby stated that he concurs with the staff report. He added that he is concerned about whether it is necessary to install a turnaround to service just one lot. He said that a barricade would not be necessary either, as Mr. DuPont would like to use that street as access to this property. With regard to the street vacation, Mr. Tatone added that there will be a 10 foot access for the DuPonts and a 15 foot easement for the water line. On the other half of the street, once it is vacated, there would be another 10 feet for access for the two adjacent owners. The paving of the portion of the right-of-way for 8th Wy that is not in the subdivision will take place at the same time as the paving of 8th Way. He further agreed to paying the Park Systems Development Charges.

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

1. The Commission discussed the need for a turnaround at the west end of N.W. 8th Way, as it was designed on the 1990 plat. Since the turnaround would only service one lot, the turnaround is only needed if the Fire Marshal requires it. Staff was asked to contact the Fire Marshal.

2. The County turned over the old Knight's Bridge Road right-of-way to the City on January 14, 1993. In order for the property to be subdivided as proposed, the vacation of the right-of-way by the City is necessary. Since a public hearing will be held shortly, it is necessary to approve this subdivision contingent on the approval of the vacation of the old Knight's Bridge Road by the City Council.
3. Primary access for Lots 19-24 should not be from Knights Bridge Road right-of-way because appropriate access onto a public street will be available.
4. There is already a water line, and there will be a sewer line in the old Knight's Bridge Road right-of-way that will be vacated by the City. A fifteen (15) foot utility easement is necessary along the southern boundary of the subdivision in order to include the existing water line. A ten (10) foot access easement is also needed to continue to provide access to the two properties whose only access was over the old Knight's Bridge Road right-of-way. These easements, established as a part of the vacation procedure, need to be shown on the final plat.
5. Since the submission of this application, the City has received the necessary street right-of-way for N. Ash Street. Therefore, a 1 foot strip of land, shown as Tract 'A' on the tentative subdivision plat, is no longer necessary.
6. That N. Ash Street should be constructed to its full width.
7. That, since the Parks Systems Development Charge is now in place, the City should not accept the applicant's offer of \$5,000 for park dedication. At least one-half of the homes in Phase I and all of the homes in Phase II will be subject to the system development charge.

Based on the January 15, 1993 staff report, testimony presented at this meeting, and Commission deliberation, **Commissioner Maher moved to approve SUB 92-06 with the following conditions:**

1. 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 subdivision improvements for any improvement not completed prior to the signing of the final plat.
2. All necessary utilities shall be constructed to the specifications of the utility provider.

3. "As-built" drawings shall be submitted to the City within sixty (60) days of completion of the construction of the subdivision.
4. Street name and traffic control signs shall be provided at the developer's expense. This shall include 'STOP' signs, where required by the Director of Public Works. The signs shall be installed prior to the issuance of any building permits.
5. The final plat shall reference this land use application - City of Canby, File No. SUB 92-06, and shall be registered with the Clackamas County Surveyor's Office and recorded with the Clackamas County Clerk's Office. Evidence of this shall be provided to the City of Canby Planning Department prior to the issuance of building permits.
6. The final plat mylars must contain, in the form specified, all information necessary to satisfy all matters of concern to the County Surveyor, or his authorized Deputy, including, but not necessarily limited to, various matters related to land surveying, land title, plat security, and plat recordation.
7. Erosion-control during construction shall be provided by following the recommendations of the "Erosion Control Plans Technical Guidance Handbook," by Lori Faku and Rick Raety, dated November 1989, as revised (currently January, 1991).
8. Tract "A" of the 1992 subdivision plat shall be deleted.
9. The utility easement along the southern lot lines of Lots 19 - 24 shall be fifteen (15) feet wide. There shall also be a ten (10) foot access easement shown on the final plat.
10. The road shall be constructed to its full width, including the portion located at the southern end of the existing N.W. Ash Street, which is not on the subject parcel. This portion of right-of-way is owned by the City.
11. The name of the street within the subdivision shall be N.W. 8th Way.
12. Storm water drainage and design for the subdivision shall be approved by the Director of Public Works.
13. The design and construction of the sewer system for the subdivision shall be approved by the Director of Public Works.

14. Lots 19 - 24 shall not use the access and utility easement along the southern property line for primary access.
15. The Parks System Development Charges shall be assessed for the homes to be constructed in this subdivision. The Planning Commission recommends that the City does not accept the developer's original offer, which was made prior to the establishment of the system development charge for parks.
16. If the Fire Marshal so requires, an emergency vehicle turnaround shall be installed at the west end of N.W. 8th Way, as designed on the original plat.
17. The approval of this subdivision is conditioned on the vacation of the City right-of-way along the southern boundary of the subject parcel.
18. A fire hydrant shall be located between Lots 23 and 24, as per the Fire marshals request.

Commissioner Mihata seconded the motion and it carried unanimously.

DR 93-01, an application by David Anderson for Site and Design Review approval of a **retail/office development** on the south side of Highway 99-E. The parcel is located immediately east of Wally's Chinese Restaurant (Tax Lots 900, 902 and 1000 of Tax Map 3-1E-33DA).

Chairman Schrader asked if there was any ex-parte contact or conflict of interest. Other than Commissioners having visited the site, Ms. Maher explained she saw plans for the building prior to receiving the staff report, but has come to no conclusions about the application. He then reviewed the hearing process and procedures.

Mr. Wheeler presented the staff report. He explained that the applicant is requesting approval to construct a 6,844 square foot retail/office building on the site, which is approximately .60 acres. The proposed uses are permitted outright in Highway Commercial Zone. A new restaurant was recently approved to be built to the east of the subject site, and a Chinese restaurant exists to the west of the parcel. There is a manufactured home park to the south of the parcel, and is separated by a fence. On-site drainage of storm water is proposed and is necessary for this site. Access to the proposed development will be by a shared driveway [with Fultanos Restaurant] at the eastern portion of the property, where it meets 99-E and a reciprocal access

easement will be needed. The shared access will minimize the overall amount of access points along 99-E, which meets the goal of the State Department of Transportation, who has reviewed and approved these plans. All public facilities are available to service this parcel, with adequate capacity. A separate sewer lateral connecting to the main sewer line in the alley will be necessary. There is a small strip of land in between the alley and Tax Lot 1000, necessitating that the sewer connection be from the portion of the subject parcel immediately adjacent to the alley. The portion of the alley that is adjacent to the eastern portion of the property must be paved in order to utilize the parking spaces on the south side of the proposed structure, so special care must be taken not to adversely disturb the sewer line. The applicant is proposing to build an 8 foot sidewalk along the Highway 99-E frontage. Either a sidewalk or walkway from the public street to the sidewalk adjacent to the building will be needed.

The building will have lap siding on the north and east sides. The south and west sides will have panel siding. The siding will be brown and the roof will be brownish-grey. The structure will have a covered walkway with earth tone masonry column supports. The applicant is proposing to place the two directional, 180 square foot sign next to the highway right-of-way. Individual tenant signs [totalling 70 square feet] will be placed along the front facade of the building. Mr. Wheeler then reviewed the landscape plans for the site, which include landscaping in the parking area, and explained that staff does not approve of a pear tree included in the covered walkway and staff also would like the groundcover expanded to cover the entire northwestern landscaped area. The required number of parking spaces depends on the type of tenants. The tentative list submitted by the applicant is more than sufficient for the spaces provided, but will be reviewed as each tenant applies for a business license. Staff recommends approval with conditions.

Applicant

Dave Anderson, 641 N. Baker said that for the most part, he concurs with the staff report. He agreed the alley should be paved wherever it joins the parking areas, and agreed to pave the City-owned property. Mr. Anderson stated that he expects a real estate office, a medical office, an insurance office, and an attorney's office, as tenants. He added that the proposed parking is sufficient for the expected tenants. Further, Mr. Anderson agreed that the columns would be of brick material. Mr. Anderson added that he may relocate the sign further east because the sign indicating "Wally's Chinese Restaurant" obstructs view of this one and because the developer is unsure where the new Fultano's sign will be located. Wally's sign does not comply

with the ordinance, he added. Once the new plants are established, in approximately 2 years, Mr. Anderson said that irrigation will no longer be necessary except for the annual flower beds.

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

1. Combining the parcels prior to the issuance of a building permit.
2. The need for a reciprocal access agreement with the adjoining parcel to assure legal access to both properties.
3. The necessity of obtaining a permit from the Oregon Department of Transportation to be assured of legal access to the parcel. The permit should be obtained prior to the issuance of a building permit.
4. That in order to enable proper and adequate vehicular movement, the portion of the City-owned alley that is adjacent to the paved portion of the subject parcel will need to be paved.
5. Because the uses of the building determines the number of parking spaces required, and because the uses of the building have not yet been determined, the thirty-two (32) parking spaces will limit the uses allowed in the building. Thus, the parking demand of the uses that will occupy the building will not exceed thirty-two (32) parking spaces.
6. To facilitate safe pedestrian travel from the sidewalk along the State Highway to the building, a four (4) foot sidewalk should be constructed. The most appropriate location appears to be located in front of the covered entry way for the building.
7. For the size of the proposed building (6,844 square feet), the maximum signage allowed in this zone is 250 square feet. As the street sign will cover a total of 180 square feet, 70 square feet of signage will be allowed on the building's front facade, regardless of how the signage area is divided.
8. That some conditions should be placed to provide clarification of the landscape plan.
9. The Commission praised the applicant's pleasant aesthetic use of the masonry columns and brickwork.

Based on the findings contained in the staff report dated January 15, 1993, on testimony at the hearing, and on Commission deliberations, **Commissioner Mihata moved for approval of DR 93-01 with conditions as follows:**

1. The two tax parcels on the subject property should be combined. This is not a requirement, but if completed it will create fewer problems with the Building Code.
2. A reciprocal access easement between Tax Lots 902 and 1000, and Tax Lot 900, is to be submitted to the City and recorded with the County, prior to the issuance of the building permit.
3. Approval of the driveway access to State Highway 99-E shall be obtained from the Oregon Department of Transportation, prior to the issuance of the building permit.
4. The portion of the City-owned twenty (20) foot alley to the south of the proposed development that is immediately adjacent to the paved portion of the subject parcel shall be paved for the full width of the alley. The paving shall not disturb the existing sewer line in the alley, and shall be completed prior to the issuance of a certificate of occupancy for the building.
5. The sewer lateral to the proposed building shall be connected directly to the sewer line in the alley to the south without crossing any intervening properties.
6. The six (6) compact spaces shown on the site plan shall have signs designating the spaces as such prior to the issuance of a certificate of occupancy for the building.
7. The parking requirements of the combined uses of the building shall not exceed thirty-two (32) parking spaces.
8. A four (4) foot sidewalk shall be constructed, adjacent to the main sign, connecting the sidewalk adjacent to Highway 99-E to the covered entrance of the building. The portion of the sidewalk that crosses the pavement of the parking lot shall be in the form of a painted crosswalk. The sidewalk and crosswalk shall be installed prior to the issuance of a certificate of occupancy.

9. The combined size of the signs on the front facade of the building shall not exceed seventy (70) square feet. The Commission agreed staff could review the signs as each business went in, as long as the total footage was no larger than the indicated 70 square feet remaining after the initial street sign.
10. The landscape plan is accepted for this project with the following revisions:
 - a) The ground cover shall be planted so as to completely cover the landscaped areas within three (3) years.
 - b) There will not be a pear tree planted in the area of the covered entrance.
 - c) The landscaping bordering the southwestern portion of the building shall be at the discretion of the City Planner.
11. All landscaping shall be planted prior to the issuance of a certificate of occupancy for the building.
12. The ground cover, vinca minor, in the northwestern portion of the subject parcel shall be extended to cover the whole landscaped area.
13. The caliper of the trees, as measured six (6") inches above ground, shall be two (2") inches.
14. A maintenance agreement, to the satisfaction of the City Attorney, shall be filed with the City, and shall be in effect until the landscaping is established. All landscape areas shall be irrigated utilizing a fully automatic underground irrigation system, or there shall be a readily available water supply within one hundred and fifty (150) feet of any landscaped area.

Commissioner Wiegand seconded the motion and it carried unanimously.

VIII. DIRECTOR'S REPORT

Mr. Hoffman explained that staff needs guidance with regard to changes that can be made on approved Design Review applications, whether they should

come back for formal Commission review or if they can be made administratively by staff. He gave Copy-Rite siding as an example. Copy-Rite wants to go from a horizontal to a vertical siding and change the windows. After a short discussion, the Commission, except for Chairman Schrader, agreed that since there was no public input at the hearing for that particular application, it would not be necessary to return before the Commission as long as it remains compatible with surrounding uses. Chairman Schrader preferred the original proposal. The Commission agreed most modifications should be looked at on a case-by-case basis.

Mr. Hoffman then advised the Commission that the proposed Historic Preservation Ordinance will be before City Council on February 3rd, for joint discussion with the Commission. The revised Ordinance will be scheduled for the March 8th Planning Commission agenda.

Mr. Hoffman further advised the Commission that City Council approved the \$4,000 Fair Share Resolution for traffic improvements from Willow Creek and \$5,000 from Valley Farms. Further, the City Council accepted the dedication of wetlands from Willow Creek. The Subdivision Association will maintain the tracts, although an agreement still needs to be worked out.

Additionally, Payless appears to have began the demolition phase of the project at the Canby Shopping Center.

IX. ADJOURNMENT

The meeting was adjourned at 10:55 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Joyce A. Faltus".

Joyce A. Faltus