

**MINUTES****CANBY PLANNING COMMISSION***Regular Meeting**October 11, 1993**7:30 p.m.*

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**I. ROLL CALL**

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

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

Others Present: Jerry R. Earnhart, Miriam Larson, Jim Gibson, Ellen Christiansen, Carol Strode, Dennis Cone, Darlene Key, Fritz and Janet Hostetler, Ron Tatone, Guy Gibson, Kevin Smay, Jeff Brainard, Councilman Terry Prince.

**II. MINUTES**

The minutes of **September 13, 1993 and September 27, 1993** were both **approved**, as corrected.

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

**Councilman Terry Prince, 1103 N.E. 12th Way** thanked the Commission for allowing some of the last few meetings to be televised. He explained that, most likely, one meeting a month will be televised in the future, as part of the Community Access Program. He further expressed his confidence in the Commission. Mr. Prince invited the Commission to a Council workshop, stressing goal-setting, that will be held later this month, on a Saturday morning. The Commissioners who will be unable to attend, asked that the Commission portion of the workshop be taped for their review. Councilman Prince suggested they bring their concerns to him and he, in turn, would bring them before the Council.

#### **IV. COMMUNICATIONS**

None

#### **V. FINDINGS**

**MLP 93-03 - Tatone/Stefani - Commissioner Mihata moved to approve the Findings, Conclusions and Order for MLP 93-03. Commissioner Elliot seconded the motion and it carried unanimously.**

**DR 93-04 - Chevron - After a discussion regarding the landscaping and, more specifically, the irrigation plan, the Commission agreed to amend Condition #6 to include a performance bond to insure proper irrigation. Mr. Wheeler explained that the applicant is amending the landscape plan on the drawing previously submitted to the Commission, to add three trees to each side, as agreed. Commissioner Fenske moved to approve the Findings, Conclusions and Order for DR 93-04, as amended. Commissioner Maher seconded the motion and it carried unanimously.**

**VAR 93-01 - Chevron - Commissioner Fenske moved to approve the Findings, Conclusions and Order for VAR 93-01. Commissioner Maher seconded the motion and it carried 3-2, with Commissioners Mihata and Schrader voting no.**

#### **VI. NEW BUSINESS**

None

#### **VII. COMMISSION DISCUSSION OF PLANNING ISSUES**

1. Commissioner Fenske suggested tightening up and standardizing conditions for different types of development (i.e. partitions, subdivisions, conditional uses). Additionally, Mr. Fenske explained that he planned to talk with Mike Jordan and John Kelly regarding advance financing prior to the workshop.
2. Commissioner Maher suggested drafting a formal list of "minor and negligible variances" and a 10% or so numeric standard for staff decisions.

3. Commissioner Mihata suggested that the Commission and staff consider updating all zoning to match the Comprehensive Plan, and that staff bring a map showing all R-2, Commercial and Industrial existing and under Comprehensive Plan. Ms. Mihata also explained that she will submit a prioritized outline regarding possibilities for a new Tree Ordinance, and would solicit input from Council regarding trees in the commercial areas, beautification of the City [especially Highway 99-E], protection of trees the City controls, identifying and protecting of significant tree groves, and the possibility of doing an inventory and getting help from tree experts.
4. Chairman Schrader suggested revising the Land Development and Planning Ordinance to specify the percent of lot coverage allowed by building in a residential zone.
5. Chairman Schrader also suggested upgrading ordinances to encourage and promote pedestrian-oriented neighborhoods; to tie in with "main street" work being done by the Chamber of Commerce.
6. Commissioner Fenske suggested developing a delayed annexation procedure with Clackamas County.
7. The Commission agreed it would be a good idea to invite allied jurisdictions and agencies to a Planning Commission meeting for information and exchange of ideas.
8. A discussion was held regarding bonding to insure proper installation of landscaping, and time limits regarding bonding.

## **VIII. PUBLIC HEARINGS**

**CUP 93-01/DR 93-05** - an application by the Canby Elementary School District #86 for approval of a conditional use and design review application to install a modular storage building at the Knight Elementary School property (to be relocated from the Eccles School). The school is located on N. Grant Street, between N.W. 4th and N.W. 6th Avenues (Tax Lot 1400 of Tax Map 3-1E-33).  
(Continued from September 27, 1993.)

Mr. Hoffman explained that the applicant has modified the proposal to use the modular as a classroom instead of a storage unit, and to place it differently on the site. Therefore, he recommends continuing it once again, in order for staff to review the new information and submit it to the Commission. A discussion was held regarding the application time limits and Mr. Hoffman assured the Commission that the 120-day period would begin with the amended request.

Commissioner Fenske moved to continue the application to October 25, 1993, to be the first agenda item under Public Hearings. Commissioner Elliot seconded the motion and it carried unanimously.

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**CUP 93-02**, an application by **Miriam Larson** for approval to add two apartments to an existing 1,436 square foot, 1 story, single family residence, each apartment to be used as an adult foster care residence. The property is located at 408 N.W. 4th Avenue (Tax Lot 5700 of Tax Map 3-1E-33CB).

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

Mr. Wheeler presented the staff report. He explained that an adult foster care facility is an approved use in the R-2 zone. The existing home is approximately 1,400 square feet and, with the addition of a two-story, two-unit apartment to the existing single family residential structure, would be approximately 3,500 square feet. The new unit would be located to the west of the existing house. Total lot coverage would be 7% less than the maximum permitted lot coverage. The two new residential units would have 6 and 5 bedrooms, respectively. The applicant is aware that the next step in this process would require a Site and Design Review application and public hearing. When reviewing this application, staff became alerted to the fact that the existing building is nonconforming in its setbacks from the front and side yards. An expansion of a nonconforming structure application was administratively handled and mailed to all adjacent neighbors. If a public hearing is not requested within the next ten days, it would be considered approved. As this type of care facility requires licensing by the State, proposed condition #2 requires that the license be granted after construction, but prior to issuance of the certificate of occupancy, as inspection of the facility is required. Staff recommends approval as the application meets the criteria and the facility is compatible with the neighborhood.

### **Applicant**

**Miriam Larson, 408 N.W. 4th Avenue** explained that of the 11 bedrooms, one unit has 2 bedrooms for care-givers, and the other has 1 bedroom for care-givers. All care-giver bedrooms are upstairs. The ground level floor has 4 bedrooms in each unit - one is a 2 patient room, and the others are single rooms. Having the units connected offers better control. Including the existing structure, there will be 14 patients and 3 care-givers. None of the patients are bedridden or wanderers, but all require long-term, 24 hour care.

would have to be disturbed to access the sewer, but since it was recently paved, it cannot be disturbed for a minimum of one year. Staff recommends that the road not be disturbed until September 3, 1994 and that development of this subdivision could not be permitted unless the sewer issue was worked out to staff's satisfaction. Possible solutions do exist, including bonding for improvements. Staff recommends a \$50 per lot "fair share" contribution toward alleviating anticipated traffic impacts at the intersections of S. Ivy/S.E. 13th and S. Ivy/Township.

### ***Applicant***

***Ron Tatone, 1177 N.W. 12th Avenue*** explained that he preferred giving a 50 foot right-of-way, rather than 40 feet, as it would more adequately meet residential needs. If the right-of-way is 40 feet, there would be a 28 foot pavement, with sidewalks in the right-of-way. Further, he stated that linear alignment with the southernmost Trost Elementary School driveway is not a significant concern, as only 5 single family homes would be served by 9th Avenue, causing little, if any, traffic problems. A more significant issue is the available side yard that would add to the livability of the existing residence, which the present owners would prefer to have remain at 38 feet. A quit-claim has been signed for dedication of the southeastern tip of the property on S. Redwood, Mr. Tatone added, which would probably not show up on the plat as it is under different ownership now and cannot be rededicated.

Mr. Tatone reviewed the location of sidewalks, clarifying that there would be none built west of Lot #2 on the north side of S.E. 9th Avenue. Further, he explained that the lots have a lot of area and meet the solar ordinance, but the width is only 60 feet. When the required side yards are subtracted the building envelope falls in the average ratio, with a large back yard.

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

1. The Commission discussed proposed condition #4 restricting the covering of the 2.5 foot strip of land between the sidewalk and the curb with non-vegetative matter. It was agreed such restriction should not be placed on the plat, but in CC&Rs, which will be filed with the final plat.
2. The Commission discussed, at length, the exact location of the access driveway of Trost Elementary School as it relates to the location of the centerline of S.E. 9th Avenue. It was agreed that the centerline of S.E. 9th Avenue should line up with the centerline of the access drive in as

2. Evidence of licensing for this site for an adult foster care facility from the state, in accordance with Oregon Revised Statutes 443.735, shall be submitted to the City prior to the issuance of a Certificate of Occupancy.
3. A Site and Design Review Application shall be submitted and approved prior to the issuance of a building permit. The review shall include requirements for sidewalks and paving of the alley.

Commissioner Mihata seconded the motion and it carried unanimously.

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**SUB 93-03**, an application by Zarosinski-Tatone Engineers (applicant) and Daniel B. and Janet P. Hostetler (owners) for approval to subdivide 2.4 acres into a 7-lot, single-family subdivision, which will include the existing home on the parcel. The site is located on the west side of S. Redwood Street, south of S. Township Road and west of S. Redwood Street (Tax Lot 500 of Tax Map 4-1E-3BB).

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

Mr. Wheeler presented the staff report. He explained that the parcel is across from the new Trost Elementary School on S. Redwood Street, and that the parcel has been almost entirely logged of trees. To the north of this parcel is a rural residential lot; to the west is a nursery; to the south is Valley Farms Phase 3; and to the southeast is the Faist farm. The applicant is proposing a 10 foot larger right-of-way than the City requires (S.E. 9th Avenue) which, in the future, when the Faist property is developed, would be continued. Canby requires a 40 foot right-of-way. The proposed 5 foot dedication along Redwood is not necessary, although a small portion at the very southeastern corner is needed for the right-of-way.

The applicant is proposing a 38 foot right-of-way from the existing house on S. Redwood for additional side yard space. Rather than design a flag lot as part of the subdivision, the applicant has designed long, narrow lots.

The school district is concerned with the alignment of their southernmost driveway with the proposed S.E. 9th Avenue. One possible solution, as recommended by staff, would be to locate the 40 foot right-of-way as far north as possible, although it would crowd the existing structure somewhat, as it would be located approximately 15 feet from the house. South Redwood

## Neither For Nor Against

**Darlene Key, 508 N.W. 3rd Avenue** stated that State law limits adult care facilities to 5 residents per home. Ms. Larson explained that the law does specifically limit it to 5 residents per care-giver. Further, she explained that these are three separate, contiguous units with common walls, and meet the letter of the law.

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

1. The Commission asked what kind of notices went out to adjacent neighbors. Staff advised that the notice stated an adult care facility was proposed, but the number of residents and bedrooms was not part of the notice.

**Carol Strode, 493 N. Fir Street** stated that she lives adjacent to this parcel, and supports this application. Further, she hopes that the alley will be graded as it will slow down a neighbor's motorcycle traffic.

**Ellen Christiansen, 442 N.W. 4th Avenue** stated that she lives alone and that this facility would not bother her at all. Additionally the 6 foot fence that presently exists would assure her privacy.

The Commission was satisfied that the immediate adjacent neighbors understood the proposal.

2. The Commission asked if the homes would be treated separately. Mrs. Larson explained that each apartment is structured individually by each care-giver. She further explained that each apartment has its own dining facilities; that there is no communal facilities.
3. With regard to outdoor facilities, Mrs. Larson explained that the existing home has a covered porch where residents can sit and watch traffic, children, etc., and that the L-shape design offers use of the porch to all residents.

Based on the findings and conclusions contained in the staff report dated October 1, 1993, on testimony, and on Commission deliberations, **Commissioner Elliot moved to approve CUP 93-02, subject to the following conditions:**

1. **Approval of an "Expansion of a Non-Conforming Structure" application.**

much as the northern edge of the right-of-way of S.E. 9th Avenue is located no closer than 15 feet from the existing garage on Lot #2.

3. The Commission discussed street trees. Once the Zoning Ordinance is revised, street trees will be required for all subdivisions. The subject parcel was cleared of trees, but the applicant is willing to provide two street trees per lot. They shall be planted along S.E. 9th Avenue, except on the north side of S.E. 9th west of Lot #2, and along S. Redwood Street for Lot #1.
4. The Commission discussed the fair share contribution toward traffic improvements at S.E. 13th and Ivy, and Township and Ivy, and agreed this should be included as a condition of approval.

Based on the findings and conclusions contained in the staff report dated October 1, 1993, testimony, and Commission deliberations, **Commissioner Maher moved to approve SUB 93-03, subject to the following conditions:**

**For the Final Plat:**

1. **Utility easements shall be provided. The southern exterior lines of the subdivision adjacent to the Valley Farms Phase III subdivision and all interior lot lines, are to be six (6) feet wide. The northern and western exterior lines of the subdivision are to be six (6) feet wide with an additional temporary six (6) feet, for a total of twelve (12) feet. The additional six feet shall be in effect until the adjoining land is developed with utility easements, and shall be recorded separately from the plat.**
2. **The final plat shall reference this land use application - City of Canby, File No. SUB 93-03, 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 requested subsequent to the date of this approval.**
3. **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.**



4. A restriction against covering the strip of land between the sidewalk and curb, if the sidewalk is not constructed next to the curb, with non-vegetative matter shall be recorded with the final plat.
5. The right-of-way for S.E. 9th Avenue shall be a width of forty (40) feet. The intersection of the centerline of S.E. 9th Avenue with S. Redwood Street shall be aligned with the centerline of the southern school access drive where it intersects with S. Redwood Street. The northern boundary of the right-of-way of S.E. 9th Avenue shall not be located less than 15 feet from the existing house or garage. S.E. 9th Avenue shall be perpendicular to S. Redwood Street for a minimum distance of fifty (50) feet from the intersection.
6. No further dedication of right-of-way for S. Redwood Street is required, or desired, except the southeastern most portion of the property. The portion of the property that aligns with the existing S. Redwood Street right-of-way, and would be included in the right-of-way if it were extended directly to the south, shall be dedicated to the City.

As a part of construction:

7. The recently constructed pavement for South Redwood Street shall not be disturbed prior to September 3, 1994.
8. Any necessary utilities shall be constructed to the specifications of the utility provider.
9. Street name and traffic control signs shall be provided at the developer's expense. This shall include "Stop" street signs where required by the Director of Public Works.
10. 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).
11. Storm water drainage and design for the subdivision shall be approved by the Director of Public Works.
12. The design and construction of the sewer system for the subdivision shall be approved by the Director of Public Works.

13. The north side of S.E. 9th Avenue, west of lot 2, shall be exempt from sidewalk and street tree requirements until the abutting property to the north is developed.
14. The turn-around in S.E. 9th Avenue shall not be used for parking, and signs shall be posted to indicate this restriction.
15. Two street trees per lot along S.E. 9th Avenue and on lot 1 shall be planted. The species of street trees shall be selected from the recommended street list.

Prior to the signing of the Final Plat:

16. 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 surety bond, personal bond, or cash bond for subdivision improvements for any improvement not completed prior to the signing of the final plat. The bond shall provide for the City to complete the required improvements and recover the full cost of the improvements.
17. A "fair share" contribution to the amount of \$350 shall be submitted to the City for traffic improvements to the intersections of S. Ivy Street and Township Road, and S. Ivy Street and S.E. 13th Street.

After construction:

18. "As-built" drawings shall be submitted to the City within sixty (60) days of completion.

Commissioner Elliot seconded the motion and it carried unanimously.

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**MLP 93-04/CUP 93-03/DR 93-06**, an application by the Church of Christ for approval to partition 21,875 square feet of Tax Lot 101 of Tax Map 3-1E-33CC in order to build a single-story meeting facility to accommodate assemblies and classes for various age groups. Parking and landscaping requirements would be met. The site is located at the northeast corner of N.W. 4th Avenue and N. Elm Street (Tax Lot 100 of Tax Map 3-1E-33CC).

Chairman Schrader asked if any Commissioner had ex-parte contact. None was indicated. When asked if any Commissioner had a conflict of interest, none was indicated, except that Commissioners who visited the site explained that they had come to no conclusions due to the visit.

**Commissioner Maher moved to continue this hearing due to the property not being noticed on-site. Chairman Schrader seconded the motion.**

Mr. Hoffman explained that, legally, State law does not require notice on-site. Staff neglected to inform the applicant about this procedure. The applicant, he further explained, has gone out of his way to talk with everyone in the immediate and nearby vicinity about this proposal. Many letters supporting this application have been received. Though the Commission urged staff to follow up on these on-site notices, the **motion failed 4-1.**

**MLP 93-04** - Mr. Hoffman presented the staff report. He referred to a map which more clearly designates Parcel #1 and Parcel #2. The parcel the church intends to develop is 175 feet along N.W. 4th and 115 feet along N. Elm, and is adjacent to an alley which is across from Canby Pioneer Church. The applicant is proposing to build a one story church building, which use is consistent with uses permitted as a conditional use in the Downtown Commercial zone. The Site and Design Review hearing, immediately following, will give the Commission an opportunity to ensure compatibility of adjacent structures and uses. Staff is recommending approval with the proposed conditions, although Mr. Hoffman amended proposed Condition #7 to indicate that the sidewalk and alley shall be constructed with the development of the respective parcels.

#### **Applicant**

**Jerry Earnhart, 1410 N. Oak Street** stated that he concurs with the staff report and access is to be primarily from N.W. 4th Avenue.

#### **Proponents**

**Jim Gibson, 27224 S. Dave Road, Canby** explained that he is a member of the church. The paving of the alley will be done in cooperation with adjacent property owners, he explained. He added that the applicant does not want to interfere with a neighbor's garage which appears to extend 2 feet into the alley.

**Guy Gibson, 12369 S. New Era Road, Oregon City 97045** stated that the applicant purchased 3-1/2 lots because the owner wanted to retain the 2-1/2 remaining lots which align with the same amount of property just south of the alley.

**Darlene Key, 508 N.W. 3rd Avenue** stated that she is the owner of the Canby Chapel and urged the Commission to approve the application. She then

4. 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 (with 6 feet being temporary until a 6 foot easement is dedicated on adjacent property)

Prior to the issuance of a building permit for Parcel 1 or 2:

5. 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.
6. All utilities, including water and fire hydrants, must meet the standards and criteria of the providing utility authority.

Prior to the issuance of a certificate of occupancy for Parcel 1 or 2:

7. A sidewalk shall be constructed along N.W. 4th and the adjacent street. The respective sidewalks and respective alley shall be constructed prior to the occupancy of any development on Parcel 1 or Parcel 2. Street lights and curbs shall be constructed as required, to the satisfaction of the Public Works Director.
8. The approval of this minor land partition does not constitute an approval of the development of the land for a church building or any other use. Any development of the subject parcel must be accompanied by a Site and Design Review approval, and possibly a Conditional Use approval, depending on the specific use proposed.

Commissioner Maher seconded the motion and it carried unanimously.

Chairman Schrader asked, once again, with respect to CUP 93-03/DR 93-06 if any Commission had ex-parte contact or conflict of interest. None was indicated.

Mr. Hoffman explained that the applicant is proposing to construct a new church to replace the building that was largely destroyed by fire. The proposed building is 74 x 62 feet, and will be constructed on a 30,125 square foot parcel. The applicant is proposing 2,260 square feet of landscaped area, to be located north of the building. It is staff's opinion that the general landscape

treatment is appropriate for the location and intended use. Thirty-two parking spaces are proposed, two more than required. The three parking spaces adjacent to the alley would only be used for overflow parking. On-site building setbacks meet the requirements. Access, although primarily from N.W. 4th Avenue, will also occur from N. Elm and the alley, which will need to be paved. Although streets and curbs are all adequate adjacent to the subject site, curb repair and sidewalks will be needed. The lap sided building will be painted grey, with a blue-grey trim around the edges. A 150 square foot sign is allowed. The applicant is proposing a 32 square foot grey sign, with black raised lettering, facing Elm Street. Mr. Hoffman referred to Mr. Hester's comments about the trees. Mr. Hester considers the locust trees on Elm as potential hazards, and the four maple trees on N.W. 4th Avenue are suggested for removal as they are damaging the street and curb. If the existing trees are removed, the sidewalk could be configured differently from those designated in the proposal, with the sidewalks at the curb and landscaping behind the sidewalks. The applicant is willing to comply fully, with the street tree ordinance by replacing the removed trees with appropriate ones from the suggested list. Staff recommends approval of the application with the proposed conditions listed in the October 1, 1993 staff report.

### *Applicant*

**Jerry Earnhart, 1410 N. Oak Street** stated that he concurs with the staff report. Mr. Earnhart explained that the proposal was tailored to the needs of the neighbors and neighborhood, as well as the Church's budget. The color of the building was chosen to compliment Pioneer Chapel, and the site will be professionally landscaped, with a sprinkler system. To enhance the view of the neighbors across the alley, Mr. Earnhart stated that they would be happy to consider installing some planters. Further, he explained that the church would not place a burden on the traffic situation in the neighborhood. After conferring with many, many neighbors, no concerns were expressed about this project. He referred to letters that were submitted in support of the project.

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

1. The request for comments received from the Public Works supervisor, Roy Hester, with regard to his concern about the trees on the site. The Commission discussed options to removing the street trees. Mr. Hoffman explained that trees along 4th Avenue have lost limbs recently, and that he is not sure they can be saved. Additionally, they have caused curb damage due to their root structure. The applicant explained that, from the start, he proposed to save them. The Commission recommended retaining the trees if possible

2. The landscaping was discussed. Mr. Hoffman reiterated that the applicant has exceeded the parking requirements by two spaces and could, if required, landscape those spaces instead. But the applicant has exceeded the landscaping requirements in his proposal.
3. The Commission discussed whether bonding should be required for landscaping. Mr. Hoffman explained that bonding is usually required if the applicant does not want to install the landscaping prior to occupancy.
4. The Commission addressed its concern about the parking spaces directly adjacent to Pioneer Chapel as it relates to the lack of buffering from the adjacent neighbor. The applicant agreed to work with Mrs. Key toward a mutual decision concerning the landscaping on the south side of the building and pointed out that the church is amenable to having the Chapel use their parking area when it is not in use. Staff pointed out that if a tree was planted on the south side of the building, as proposed, between the three parking spaces which are located between the alley and the building, it would probably not survive since the space is too tight.

Mrs. Key explained she was concerned about the tree that already exists on the southeast portion of the parcel where three parking spaces are proposed. The Commission agreed that the proximity of the tree to the building would, most likely, cause its demise during construction.

5. The Commission agreed to add a condition that the applicant could work with an urban arborist to determine which, if any, of the trees on N. Elm and N.W. 4th would be retained. Therefore, proposed Condition #3 would be amended to read: "Street trees shall be replaced and replanted to meet the requirements of the Street Tree Ordinance. The four maple trees on N. W. 4th Avenue may be saved, with the concurrence of an urban arborist." It was agreed that the Locust trees on N. Elm should be removed, as they are not really street trees.

Based on the findings and conclusions contained in the staff report dated October 1, 1993, on testimony, and on Commission deliberations, **Commissioner Fenske moved for approval of CUP 93-03/DR 93-06, subject to the following conditions:**

1. **The final landscape and site plan shall be reviewed and approved by the City Planner for consistency with this approval and conditions and ordinance requirements.**

2. Sidewalks and alley paving and curb repair shall be provided by the applicant.
3. Street trees shall be replaced and replanted to meet the requirements of the street tree ordinance. The four maple trees on N. W. 4th Avenue may be saved, with the concurrence of urban arborist.
4. Light poles shall be relocated and two more street lights provided, one at the entrance and one at the alley.

*Note: The applicant is requested to work with the adjacent property owners regarding the final landscaping plan, to ensure compatible relationships.*

Commissioner Elliot seconded the motion and it carried 4-1, with Chairman Schrader voting no.

#### ***IX. DIRECTOR'S REPORT***

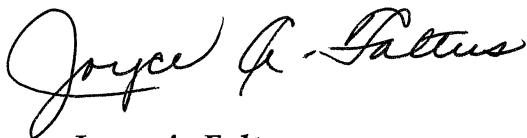
Mr. Hoffman referred to a letter from the elementary school district regarding current figures. He also referred to an excerpt from a Planner's Journal about legal issues related to school planning, which he felt was important because there are cities that are beginning to have to deal with such difficult issues.

Mr. Hoffman discussed a meeting he had with METRO regarding transportation issues. They have three alternative frameworks for planning, which include land use issues which might affect Canby. Mr. Hoffman recommended inviting representatives from METRO to meet with the Commission and Council at a workshop.

#### ***X. ADJOURNMENT***

*The meeting was adjourned at 11:10 p.m.*

*Respectfully submitted,*



Joyce A. Faltus