

APPROVED

MINUTES
CANBY PLANNING COMMISSION
Regular Meeting
January 10, 1994
7:30 p.m.

I. ROLL CALL

Present: Vice-Chair Mihata, Commissioners Gustafson, Elliot and Maher.

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

Others Present: Diana Precht, Rosemary Glutsch, Israel Flores, Lon Burdge, Hal Bleghl, Wayne Austen, Gerald Hamberg, Belva Clark, Al Lindig, Richard Winkler, Tim Andrews, Don Creese, Mardelle Edwards, Mary M. Kern, Glenn Hamberg, Alicia and Louise Crawford, Roger Hudson, Jay and Lea Dungly, George Wilhelm, John Watson, Terry Prince, Mr. Molinsky, Michael Welsh, Kurt Schrader.

II. MINUTES

The minutes of November 22, 1993 were approved unanimously, as corrected.

III. CITIZEN INPUT ON NON-AGENDA ITEMS

None

IV. COMMISSION DISCUSSION OF PLANNING ISSUES

Mr. Hoffman reviewed the background leading to a revised Sign Ordinance. After months of working with the Chamber of Commerce's Sign Committee, a draft Ordinance has been formulated and distributed. An actual hearing is scheduled for the next Commission meeting but, as requested, a discussion will be held at this meeting.

Rosemary Glutsch, representing the Sign Committee Task Force, explained that two initial problems prompted the organization of this committee; there being no leeway for using sandwich boards and banners.

Diana Precht also explained that there was an interpretation problem by those who were regulated by the old Sign Ordinance. The proposed ordinance includes a section that defines all the terms and conditions, enforcement, what actually happens if a business is in violation, etc.

Dr. Schrader suggested that an additional reason which could be added to the purpose section, would be the promotion of economic development, which certainly has stimulated the effort that has been put into this revision. Further, he suggested combining the sections on Administration and Enforcement with the section, Sign Enforcement Procedures.

Commissioner Mihata asked that the Committee bring to the actual hearing, reasons why sandwich boards are beneficial. In her opinion, she explained, they appear to clutter the sidewalks and aesthetically detract from the beauty of the City.

Commissioner Maher questioned what liability the City might have by authorizing sandwich board signs. Mr. Hoffman explained that there are wind standards that have to be met, and that the owner has to sign a liability statement and have liability insurance acceptable to the City Attorney, before a permit could be issued.

Regarding modification of standards, Ms. Mihata asked why exceptions would be permitted when a new ordinance is being drafted. Mr. Hoffman explained that variance criteria are very hard to meet and it would have to be a very special, unique circumstance to the property itself for it to be granted. The Commission felt that one consistent variance standard would be preferred. Ms. Precht explained that the committee tried to incorporate the needs of the business community, after many sessions, into the proposed ordinance. There are certain circumstances, like special events, which require different signage that are almost impossible to incorporate into the ordinance, but which are very important to the business community.

Currently, signs can be reviewed under the Design Review process, and reviewed under the sign ordinance standards. They can also come in as a separate free standing sign, independent of Design Review. The new sign ordinance proposes that when there has been a conditional use or design review approval, that they are not to bring in a new sign within six months, without going through a review process - a means of strengthening the present procedure. Since at the present time, the Commission only reviews a sign as a part of a development project, Dr. Schrader proposed that the Commission suggest to City Council that staff review all signs. Mr. Hoffman added that staff does not review the signs for their aesthetic quality, but for placement on

the building, size, and structure and that without standards aesthetic quality could not be included.

The Commission questioned the height of daily display signs, which are limited to 6 feet. Ms. Glutch explained that the construction of the sign must meet the wind load, and Mr. Hoffman explained that those that are proposed to be within the right-of-way can only be 4-1/2 feet high. In the proposed ordinance, a 6 foot high sign would have to be on the site itself. With regard to lighted signs, the Commission was informed that the entire paragraph prohibiting lighted, rotating, moving flashing, etc., signs was retained in the proposed ordinance.

Commissioner Mihata reviewed excerpts from the Forest Grove, Salem, and West Linn tree ordinances, with respect to historic, heritage, and significant trees and how they are defined and protected. Ms. Mihata distributed the samples and asked they be discussed at a workshop with City Council.

Dr. Schrader reviewed his handout regarding parameters for development plats and drawings the Commission has been receiving, which have been lacking in quality. Mr. Hoffman explained that there are steps and procedures attached to the actual applications, but that applicants have not all complied with the requirements. Further, Mr. Hoffman explained that staff can send an "incomplete" letter to the applicant, requesting additional information or more definitive plats and drawings. The Commission discussed the delay, inconvenience, and/or expense involved in either denying the application or delaying it until the corrected/missing information is received, with respect to staff time, renotification expenses, and inconvenience to the applicant. Mr. Hoffman further explained that the tendency has been to write proposed conditions of approval which would require, at a later date, what should have been done in the application process. Commissioner Mihata suggested that the ordinances be updated to include all the steps necessary before an application is considered complete, to which Mr. Hoffman responded the requirements have been discussed more thoroughly with applicants since the Commission raised these concerns previously.

V. COMMUNICATIONS

Councilman Terry Prince, 1103 NE 12th Way asked for a volunteer to help select Commissioners to fill the vacant seats on the Commission.
Commissioner Maher moved to nominate **Commissioner Mihata**.
Commissioner Elliot seconded the motion and it carried unanimously.

VI. FINDINGS

The Commission discussed the phasing involved in the building of N. Knott Street so it could be used in different ways at different times, all to City standards, with the intent that Knott be extended to 9th Avenue eventually. Based on that, **Commissioner Elliot** moved to approve **MLP 93-06 Findings, Conclusions and Order [Brad Roberts]**. **Commissioner Gustafson** seconded the motion and it carried 3-0, with **Commissioner Maher** abstaining.

DR 93-09 - Austen's Body Shop

Mr. Hoffman explained that when the new building is constructed, the engineer has suggested an 8 x 16 shed be attached to the southwest corner, which would enclose the compressors. As it would infringe on the planned landscaping, the applicant is proposing to relocate the affected landscaping to the southeast side of the building. **Mr. Hoffman** explained that he has added language to this effect as a new condition #10.

Mr. Austen explained that he was going to bring this back after the building was constructed, but that he decided to do it now, after discussing it with staff. The shed will house the air compressor and vacuum system and will have a shed-type roof.

After a short discussion where no objections were stated, **Commissioner Elliot** moved for approval of Findings for **DR 93-09 [Austen's Body Shop]**, with the addition of **Condition #10**. **Commissioner Gustafson** seconded the motion and it carried 3-0, with **Commissioner Maher** abstaining.

MLP 93-07 - Zacher

Mr. Hoffman explained that the Zachers understand that they have a number of options open to them, and that approving or disapproving this application does not affect their ability to build the house separately, without partitioning. Commissioner Elliot moved to approve Findings for MLP 93-07 [Zacher]. Commissioner Gustafson seconded the motion and it carried 3-0, with Commissioner Maher abstaining.

VII. NEW BUSINESS

None

VIII. PUBLIC HEARINGS

DR 94-01, a Design Review application by R. G. Naff, Designer, and Marlon Financial Services, owner, for approval of a total of 92 dwelling units in 3 phases, Township Commons Apartments. The materials and colors will be wood, with some brick. The parcel is located on the east side of S.E. 5th Avenue and west side of S. Pine Street (Tax Lots 1200, 1201 and 1208 of Tax Map 3-1E-34C).

Commissioner Mihata inquired whether any Commissioners had ex-parte contact or conflict of interest. None was indicated. She then reviewed the hearing process and procedures and directed everyone's attention to the criteria posted on the wall.

Bob Hoffman presented the staff report. He explained that further information, in the form of a traffic impact analysis and supplementary report which staff requested, in support of the application was received within twenty days prior to this hearing. He pointed out the location of the site on the zoning map. The zoning of the site is consistent with the Comprehensive Plan designation of High Density Residential. The applicant is requesting approval to develop a 92 unit apartment complex, 11 two story apartment buildings, a 1 story recreation center, a maintenance building, and carports, to be constructed in three phases, on a 5.75 acre site. Phase I, 28 units, will have its main access off 5th Avenue, with an estimated completion date of October 1, 1994; Phase II, 36 units, with primary access off Township, with eventual access off 5th Avenue and Pine, is proposed to be completed July 1, 1995; construction for Phase 3, 28 units, which will have primary access off S. Pine, with secondary access planned from 5th Avenue and Township, is estimated to begin August 1, 1995.

Since this use is permitted outright in this zone, it is not under review at this hearing. It is being reviewed under Design Review for access, parking, architectural design, and landscaping. Immediately to the north of this site is John Watson's proposed manufactured home park. Under Mr. Watson's approval, half-street improvements will be constructed on the new S. Pine Street adjacent to his property. There is another manufactured home park just north of Mr. Watson's, to the west are residential uses, and to the south and east are more rural type development on larger acreage. The site in question is designated Area "O" in the Comprehensive Plan. At the time of designation, roads and sewer were not available to this area, but they are starting to be provided as part of the Logging Road Industrial Park and Mr. Watson's manufactured home park. In staff's opinion, S. Pine Street will need to be widened at the earliest possible time. S.E. 5th Avenue will have to be completed at the end and Mr. Hoffman explained that he has found no policy or statement indicating that 5th would have to be continued to Pine. From the responses received from service providers, it appears that there would be no overburdening of the existing public facilities and services. The sewer is proposed to be extended along Pine from the current sewer and interconnect into the sewer already constructed as part of the Township Village subdivision, which is a part of the Logging Road Industrial Park. Roy Hester, Public Works Supervisor, has requested that this project use that new sewer connection, as the one in 5th has higher usage and is more shallow. A cul-de-sac is proposed at the end of 5th, to be built to full City standards. No feedback has been received from the schools. Mr. Hoffman explained that he estimates approximately 40 school aged children would be generated from this project, based on Citywide averages. The Fire Marshal requested some modification to the proposal in order to construct a looped water system and for the fire hydrant to be moved closer to the center of the project.

The traffic impact analysis determined that none of the major intersections would be affected by the traffic, or overburdened to the point that major improvements would be necessary. Assumptions were made about improvements at Township and Ivy which are slated for completion this year by the County, improving westbound traffic desiring to turn south at Ivy, about the construction of Redwood, which is part of the Logging Road Industrial Park Project, and about the City/County/State improvements proposed at S. Ivy and 99-E, although the additional land for this improvement has not been secured yet. The analysis incorporated recommendations about sight distance on Township when it is widened because some parts of the street would be moved back to where hedges presently exist, but the City currently has no standards regarding this, although Canby does have requirements about triangular clear zones at intersections.

Due to the extremely low vacancy rate in Canby, there appears to be a need for this type of development. A preliminary solar review indicated that minor changes would make the project meet the solar requirements. If the slope of the roofs at the rear of the buildings at the northern edge were redesigned with hipped roofs rather than peaked roofs, and if some were moved slightly, it was found they would fully meet the solar requirements, and reduce the possibility of shading the development to the north. The designer has already submitted revised drawings to accomplish solar compliance. The applicant is proposing at least 20% more landscaping and open space than required. The application meets parking requirements, 2.2 spaces per unit, and although the ordinance allows 30% compact spaces, only 8% are proposed. Also, the amount of trees proposed exceed the requirements, as does the landscaping that is proposed. The proposed area is large enough to support a tot lot, should it become necessary, and one is shown on the drawing. Without the looped street system connecting to Pine in Phase III, the looped street would be considered a dead end.

With the revised elevation drawings incorporated into the report, and based upon the site plan, landscaping plan, and utility plan, staff recommends approval with conditions, which he reviewed and amended.

Applicant

Michael Welch, 5958 SW Menlo Drive, Beaverton 97005 stated that he concurs with the staff report. In response to Commissioner Maher's question about the flooring in the tot lot, Mr. Welch agreed that sand could be installed as an all-purpose base, rather than wood chips or bark dust.

Lon Burdge, 7225 S.W. 13th Avenue, Portland explained that his firm has researched the market and feels that the three phase idea is the best way to go. The financing for the project is dependent upon a certain number of units rented before each phase can proceed. He estimated that the 2 bedroom units would rent for between \$615 and \$625.

Opponent

Tim Andrews, 610 SE 5th Avenue expressed his concerns about traffic flow on 5th Avenue, especially as he lives where the entrance on 5th is planned. With 28 units and 56 parking spaces, approximately 100 extra cars will be added to the traffic flow. Further, Mr. Andrews was concerned about the possibility of the future phases not being built, leaving 5th Avenue as the only access to the project. Mr. Andrews also stated his concerns about construction traffic. Estimating 40 children from the project appears to Mr. Andrews to be extremely low. A traffic study for 5th Avenue would be in the best interests of the residents on 5th, he added. There was concern expressed for current

property values in the area which, Mr. Andrews felt would fall.

Rebuttal

George Wilhelm, 546 SE Township explained that the entire area is zoned R-2, High Density, and this project is a permitted use. Mr. Wilhelm stated that access from Township is very important to Phase 2 and from S. Pine, for Phase 3, just as access from 5th is important to Phase 1. Regarding sight distance, Mr. Wilhelm explained that the Kittleson report found the largest problem with the 6 foot fence at the Township location, which is on private property that the applicant does not control. The Kittleson report further points out that when Township is widened to 24 feet from centerline, the edge of the roadway will be very close to that fence and it will obstruct the view to the west, until a car is past the fence line. Mr. Wilhelm stated, and Mr. Hoffman concurred, that he believes there are no sight distance regulations regarding driveway fences. Mr. Wilhelm further stated that after Pine is completed, most of the traffic will be directed to Pine and then to 99-E, where commuters can turn either south or north at the traffic signal.

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

1. That the proposed use of the site is consistent with the applicable requirements and policies of the Comprehensive Plan and the development ordinance.
2. That the characteristics of the site are suitable for the proposed use.
3. That all required public facilities and services exist (or can be made to exist at the time of development) to adequately meet the needs of the proposed apartments.
4. That the proposed use will not alter the character of the surrounding areas in such a way as to substantially limit or preclude the uses allowed.
5. That the conditions proposed by staff are the minimum necessary to achieve the purposes of the Site and Design Review Ordinance, and do not unduly increase the cost of housing.
6. The Commission discussed whether or not the City owned enough of Pine Street to complete its extension south of this project. Mr. Hoffman explained that Mr. Watson is expected to build half-street improvements up to this site from the north, but extension to the south could not be very wide. Proposed condition #9 deals with this consideration.

7. The Commission discussed meeting the sewer needs for this project. Mr. Hoffman explained that Phase I can hook into 5th Avenue and that the Logging Road project will extend the sewer line in Pine this year. Mr. Wilhelm explained that the bottleneck is on Knott and 2nd, not Locust, which is upstream from this development, and that there is no capacity problem in the Locust line at all. The Commission asked staff to check this out further and report at the next meeting.
8. The Commission discussed the visual obstructions on Township due to an existing 6 foot fence and hedge on the property line of the adjoining property. Mr. Hoffman explained that there are no requirements regarding driveway fences on private property. While there are difficulties, there are currently no legal methods of dealing with this off-site concern once Township is widened.
9. The Commission discussed whether an adverse impact would occur at the driveway access on Township due to its proximity to the street on the west. Mr. Hoffman explained that there is about 50 feet available.
10. The Commission discussed the surfacing of the tot lot to ensure it is not surfaced with bark dust or wood chips. The applicant agreed to surfacing the tot lot with the proper type of sand.
11. The Commission discussed traffic impacts resulting from this project. It was agreed that after Pine is complete, most traffic would probably be directed to Highway 99-E via Pine, expediting trips north or south on 99-E.
12. The Commission discussed "fair share" contributions toward traffic improvements. Mr. Hoffman explained that the City will not be involved in the costs of signalization at Ivy and Township; that it will be the County's responsibility. Additionally, this development site is part of the Pine Street Advanced Financing Agreement to pay for the Pine Street connection and sewer. A Traffic Systems Development Charge will come into play in about 4 months, when the Traffic Study is complete. After that, building permits will trigger the SDC on a per unit basis. Thus, the usual "fair share" condition is not needed for this project.
13. The Commission discussed the impact of this development on the schools. Mr. Hoffman advised the Commission that the school districts had not responded to the City's request for input. Staff was asked to contact the school districts in the future if they did not respond.

14. The Commission reviewed the revised plans received by the City on January 10, 1994

Based on the findings and conclusions contained in the staff report dated December 30, 1993, on testimony at the public hearing, on Commission deliberations, and incorporating the revised plans submitted January 10, 1994, **Commissioner Maher moved to approve DR 94-01, with the following conditions:**

1. The effective date of this approval shall be delayed until the effective date of the street vacation and dedication along Pine and the area for the turnaround at the end of S.E. 5th. If not already dedicated, the applicant shall dedicate an additional five (5) feet of right-of-way along S. Pine Street. Half-street improvements shall be provided along Pine, 5th, and Township (as each phase develops), and shall include pavement, five (5) foot sidewalks and curbs, urban-type street lighting, and shall meet Canby Construction Standards. Right-of-way designs and construction designs shall be approved by the acting Director of Public Works or acting City Engineer. The applicant shall reimburse the City, or sign an agreement for the reimbursement of infrastructure improvement costs in accordance with an approved advanced financing agreement applying to the site. The revised drawings received on January 10, 1994 shall be incorporated as part of this approval.
2. The applicant shall provide a waiver of remonstrance for any traffic improvements needed for S.E. Township and S.E. Pine Street.
3. During construction, erosion control shall follow the Erosion/Sedimentation Control Plans Technical Guidance Handbook for Clackamas County, August 1991 (as amended).
4. An 8" water main shall be installed in the complex instead of the 6" main as shown on the plans. The main shall be looped through the complex from Township to the main on S. Pine and the main on S.E. 5th Avenue. A fire hydrant shall be provided in the middle of the complex at a location approved by the Fire Marshal.
5. Prior to each phase of construction, a detailed solar analysis shall be done regarding type and location of trees. Solar friendly trees shall be used where needed.
6. The applicant shall participate in a preconstruction meeting with City staff, CUB, the fire district, etc., prior to construction.

7. Signs shall be placed at each entrance indicating "Private Property - No Through Traffic." Should through traffic become a problem, "speed bumps" or other traffic control devices approved by the Traffic Safety Committee shall be utilized. The "monument type" entrance sign for S.E. 5th Avenue is approved as proposed.
8. A landscape construction plan shall be submitted to the City Planning office as part of the building permit application for each phase. The plan shall include an irrigation system, planting schedule, plant locations within the landscaped areas, plant types and sizes, and the plant spacing. The landscaping shall be installed prior to the final building inspection or a bond shall be posted for the amount of landscaping to be completed (plus 10%) with a date certain for completion of the landscaping improvements.
9. Since Phase II plus Phase III would exceed the maximum allowed units [without full Pine access], Phase III is not approved until S. Pine Street is open to Township Road or Highway 99-E, with at least two full paved moving lanes approved as adequate by the acting Public Works Director or acting City Engineer.

Commissioner Gustafson seconded the motion and it carried 4-0.

MaLP 94-01, an application by Canby Congregation of Jehovah's Witnesses to partition a 2.12 acre parcel into two parcels, for future development on Parcel #1 of a Kingdom Hall. The property is located at 748 S. Ivy, on the east side of S. Ivy, across from S.W. 7th Avenue (Tax Lot 1100 of Tax Map 4-1E-4AB).

Commissioner Mihata queried the Commission as to conflict of interest or ex-parte contact. None was indicated, other than having visited the site but drawing no conclusions.

Mr. Wheeler presented the staff report. He explained that due to the City requiring some road improvements and extensions, this has become a Major Land Partition. The criteria is the same as for a Minor Land Partition, with the addition of road improvements. The subject parcel isn on S. Ivy, and backs up to the southern end of S. Knott where Phase 4 of Township Village is located. Due to traffic concerns and potential commercial development, this site is considered an "area of special concern." There is currently a home on the

parcel, known as 748 S. Ivy, and some outbuildings behind the home. The home and outbuildings are proposed to be removed. The storage buildings are located approximately 2 feet from the property line and the applicant is proposing to construct the Kingdom Hall 7 feet from the southern property line. The applicant has asked for elimination of the utility easement on the southern property boundary. Mr. Wheeler explained that he is not aware of any utilities proposed for the southern property line, but would have to check further with Canby Utility Board, which findings he would bring before the Commission at the next hearing. The applicant proposes to partition the lot into 2 parcels, 1.36 acres and .76 acres, respectively. The parcel is zoned Commercial Residential in the Comprehensive Plan, and the zoning designation is R-1, Low Density Residential. The applicant has submitted a Conditional Use application to construct a Jehovah Witness Kingdom Hall on the larger parcel, which has frontage on Ivy. The property is surrounded by single family residential uses, except on the south, which is a commercial storage use. Access for Parcel 1 will be from S. Ivy and access for Parcel 2 will be from S. Knott and S.E. 7th Way. City staff has discussed the possibility of S.E. 7th connecting to Ivy, and concluded that it is not needed or desired. However, a connection between S. Knott and S.E. 7th Way is desired and believed to be a necessity. Township Village 4 was designed with that connection in mind. There are no road improvements, including curb or sidewalk or approach, planned for S. Ivy at the present time. At the request of the Public Works Supervisor, Roy Hester, there will be straight pavement from the parking lot area into S. Ivy, because S. Ivy is a County road and Canby does not have correct elevations for placement of sidewalks and curbs and approaches. Therefore, the City is requesting payment in lieu of improvements and the City would be responsible for those improvements at the time Ivy is improved, according to Clackamas County timetables. Mr. Wheeler explained that the payment in lieu would amount to \$1,991. An additional part of the improvements would be a connection between S. Knott and S.E. 7th Way. Electric and water utilities were constructed in the northeast corner of the property, from S. Knott to S.E. 7th Way, during construction of Phase 4 of Township Village, which is located immediately to the east of the site. The 8" sewer line already existing in Township 4 would need to be extended from S. Knott to S.E. 7th Way for the road extension. Staff is requesting a 50' right-of-way in the northeast corner of the property to provide a better connection from S.E. 7th to S. Knott. Staff is also requesting the extension of sidewalks along the north end of S.E. 7th way to the east side of S. Knott. Street trees are also required as part of the improvements to the street as no further development would occur on the north side of the street. At the time of development of Parcel 2, sidewalks, curbs, streets, and street trees would be required on the south side of the connection. With the connection of S. Knott and S.E. 7th, Parcel 2 will meet the requirements of the solar ordinance. Mr. Wheeler explained that if the Commission accepts the conclusions contained in the staff report, Conclusion #5 would have to be

amended to reflect that the standard requirement for solar access for Parcel 1 will be adjusted because it does not meet the solar standard due to the orientation of S. Ivy Street.

Mr. Wheeler reminded the Commission that the land partition and forthcoming conditional use application for a Jehovah Witness Kingdom Hall were separate applications. Staff recommends approval of this application with conditions, which Mr. Wheeler reviewed.

Applicant

Roger Hudson, 740 NE 17th Avenue stated that he concurs with the staff report. He added that the applicant intends to retain most of the trees. The current Kingdom Hall where services are held is in Aurora, where three congregations presently meet with about 100 members each. He stated that he is aware he must apply for a Design Review hearing afterwards, if the Conditional Use application is approved.

Commissioner Maher questioned the use of 6' high cyclone fence, and whether it was considered "friendly." Mr. Hudson explained it already existed and they just intended to extend it.

Proponents

Mary Kern, 575 N. Douglas Lane explained that the Kingdom Hall she currently attends is in Marion County, which is too far to drive a couple of times a week, especially for senior citizens. She also stated that it would be easier for people to find the Canby congregation in the phone book if they had a Canby address. She requested approval of the application.

Joyce Kerone, 661 S. Larch stated that she lives on the corner of Larch and S.E. 7th. She urges approval of this application, with the extension of S.E. 7th to Knott.

Mardelle Edwards, Canby Village Apartments, explained that it would be very convenient to have a Kingdom Hall in Canby, as she volunteers at least 1000 hours a year to the congregation. Aurora, she explained, is too far to drive to attend services.

Glen Hamberg, 8710 S.E. 57th, Portland explained that all Kingdom Halls are built solely with volunteer efforts. They are usually up in one weekend, once the foundation is poured, he stated.

Al Lindig, 1485 SE 13th Avenue stated that, under most circumstances, two meetings are held weekly, in addition to Sunday morning services. Mr. Lindig added that having a Kingdom Hall in Canby would encourage the use of carpools. Addressing traffic concerns, Mr. Lindig stated that he doubted there would be much congestion, or increase in traffic, as everyone does not arrive at the same time. Furthermore, they currently use the same route driving to attend services in Aurora. Services are never held during peak traffic hours, he added. Having a Kingdom Hall in Canby would also be a lot safer for the elderly members.

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

1. The Commission discussed the twelve (12) foot utility easement that is usually required along all exterior lot lines and agreed that it is not necessary or desired for the southern property line because it would interfere with the potential design and the layout of the development of Parcel 1. Additionally, the Commission discussed the location of the existing storage buildings on the property to the south. Due to where the applicant proposes to locate the building, a 12-foot utility easement along the full length of the south property line is not practical.
2. It was agreed that Conclusion #5 of the Staff Report should read "Staff finds that due to the orientation of the only street for the partition, S. Ivy Street, and due to the north-south dimension of Parcel 1 being in excess of 100 feet, the standard requirement for solar access for new development is adjusted such that the partition is acceptable in regards to this provision."
3. Previous options where S.E. 7th Way would possibly connect to S. Ivy were discussed. Mr. Wheeler explained that it was staff's decision to connect S.E. 7th to Knott, rather than Ivy, after lengthy discussions with the Public Works Supervisor. Another egress point from Township Village was seen as important and this would serve that purpose.
4. The Commission questioned the impact on the sewer system and Mr. Wheeler explained that Mr. Hester explained that there will be no grease trap problem as there will be no kitchen facilities in the Kingdom Hall. The caretaker's unit will basically be a single family residence.
5. Staff and the Commission concurred that traffic load would occur during off-peak hours.

6. The Commission agreed to the wording of proposed Condition #5 regarding utility easements. Staff agreed to meet further with CUB and report back to the Commission.

Based on the findings and conclusions in the staff report dated December 30, 1993, on testimony at the hearing, and on Commission deliberations, **Commissioner Maher moved to approve MaLP 94-01 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. MaLP 94-01.
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 all lot lines, except;
 - 12 feet in width along all exterior lot lines, and the street frontages, except the southern exterior lot lines. **[After further discussion with CUB, the southern lot line easement will be conditioned.]**
6. All utilities must meet the standards and criteria of the providing utility authority.
7. 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

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.

8. Fifty (50) feet of right-of-way along the northern property line, from the western edge of the S. Knott Street right-of-way to the eastern property line, shall be dedicated to the City.
9. Extension of S.E. 7th Way from the western property line to S. Knott Street, including a four-foot sidewalk and street trees along the north side of the street, shall be constructed. The road shall be constructed according to City standards and approved by the Public Works Department, including storm water drainage.
10. A sidewalk and street trees along the south side of the extension of S.E. 7th Way shall be required as a part of any further development of parcel 2, including a single family residence.
11. The cost of curb and sidewalk improvements for S. Ivy Street, in the amount of \$1991, shall be paid to the City, to be put in a special fund to be used by the City at time of construction of said improvements.

Commissioner Gustafson seconded the motion and it carried 4-04.

CUP 94-01, an application by Canby Congregation of Jehovah's Witnesses to construct a Kingdom Hall on Parcel #1, a single-story building which could accommodate 189 people in the main auditorium. A small apartment for an on-site caretaker is also being considered. The property is located at 748 S. Ivy, on the east side of S. Ivy, across from S.W. 7th Avenue (Tax Lot 1100 of Tax Map 4-1E-4AB).

Vice-Chair Mihata asked, again, if any Commissioner had ex-parte contact or conflict of interest. None was indicated. She reviewed the hearing process and procedures.

Mr. Wheeler presented the staff report. He explained that Site and Design Review is required prior to issuance of the building permit, which the applicant is aware of. The Major Land Partition, the Conditional Use and the upcoming Site and Design Review application are all independent of one another. The Kingdom Hall could be built without a land partition and the connection of Knott and S.E. 7th would not then occur and could not be conditioned.

Applicant

Roger Hudson, 740 NE 17th Avenue asked for clarification regarding the performance bond and agreed it was workable and to its being conditioned as part of this approval also.

Joyce Karone, 661 S. Larch asked for clarification about the fencing. Mr. Wheeler explained that the site layout is not being reviewed at this hearing. The fencing will be reviewed at the Site and Design Review hearing, prior to construction. He further explained that Site and Design Review will also deal with Parcel 1 and suggested she talk with the applicant since she is concerned about the fence on Parcel 2. She addressed her concern about the road extension and was assured that the City would have the money for it via a bond, in the event the applicant did not construct the extension.

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

1. The City is showing faith in that the connection from S.E. 7th to Knott will occur by any development of this property. The Commission asked why this Conditional Use approval should not be conditioned upon the land partition being fulfilled, based on Criteria "D". Mr. Wheeler explained that the applicant has a year to fulfill the conditions of the partition but their time schedule for the building is sooner. The Commission suggested conditioning the connection be completed or requiring a performance bond prior to occupancy of the building. In so doing, Mr. Wheeler explained that the condition would be saying, in essence, that if they didn't file the partition, they could not occupy a building they built. The land partition does condition the connection improvement already. The Commission agreed that since the partition is not a requirement for the Kingdom Hall to be built and the connection is based upon the City's desire for the connection of the two streets with any development of the land, the connection of S.E. 7th Way and S. Knott Street as a part of this Conditional Use Permit application approval is also a condition of approval but that the performance bond should be submitted prior to final inspection, or the connection constructed, rather than before occupancy of the building.
2. The Commission discussed the right-of-way along the northern property line, and agreed with Mr. Wheeler's rewording of Conclusion #3.

Based on the findings and conclusions contained in the staff report dated December 30, 1993, on testimony at the hearing, and on Commission deliberations, **Commissioner Maher moved to approve CUP 94-01 subject to the following conditions:**

1. A Site and Design Review Application shall be submitted and approved prior to the issuance of a building permit.
2. The developer 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 improvements, for any improvement not completed prior to the final inspection. The bond shall provide for the City to complete the required improvements and recover the full cost of the improvements.
3. Fifty (50) feet of right-of-way along the northern property line, from the western edge of the S. Knott Street right-of-way to the eastern property line, shall be dedicated to the City.
4. Extension of S.E. 7th Way from the western property line to S. Knott Street, including a four-foot sidewalk and street trees along the north side of the street, shall be constructed. The road shall be constructed according to City standards and approved by the Public Works Department, including storm water drainage. The water lines in S. Knott and S.E. 7th Way shall be connected.

Commissioner Gustafson seconded the motion and it carried unanimously.]

IX. DIRECTOR'S REPORT

Mr. Wheeler reminded the Commission that Redwood Terrace did not submit proposed signs with their Site and Design Review Application. He submitted the applicant's proposal to the Commission and explained it meets the size requirements. There will be two signs, 20 square feet each, and one will be two-sided. The Commission agreed it was appropriate.

Mr. Wheeler further discussed the proposed agreements from the arborists being considered for retainer by the City. He discussed their proposals with the Commission. In order to utilize the time to the City's best advantage, Mr. Wheeler suggested the Tree Committee might do the inventory. Commissioner Mihata asked to see the options in writing, for comparison purposes. Ms. Mihata agreed the Commission could work as a Tree Committee, making decisions about the direction to go and about the inventory needs.

Mr. Hoffman informed the Commission that there is another Commissioner Training Program being held in Stayton on February 26, a Saturday. This session is tailored especially for smaller communities and is geared to both new and experienced Commissioners. He asked that anyone wanting to attend, please contact the office. The deadline for registering is January 28 at 5:00 p.m.

X. ADJOURNMENT

The meeting was adjourned at 11:20 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Joyce A. Faltus". The signature is written in dark ink and is positioned above the printed name.

Joyce A. Faltus