

APPROVED

MINUTES

CANBY PLANNING COMMISSION

Regular Meeting

January 24, 1994

7:30 p.m.

I. ROLL CALL

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

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

Others Present: Diana Precht, Rosemary Glutsch, Kurt Schrader, Henry Fenske.

II. MINUTES

The minutes of **December 13, 1993** were approved unanimously, as corrected.

III. FINDINGS

DR 94-01 - Township Commons Apartments

Mr. Hoffman explained that he looked into certain things the Commission requested after the hearing on the apartments. First, regarding the lack of input from the school districts on various applications, Mr. Hoffman stated he had spoken with both superintendents. Trost is "over capacity." There are 621 children in attendance, with a capacity of 600. Additionally, the children from this development would, most likely, walk to school, and the school is concerned about safety issues. Since sidewalks exist on the south side of Township, Mr. Hoffman explained he assumed their concerns were centered around traffic concerns, possibly about crossing guards. There are ten vacant and available classrooms at the Lee School. Their judgement is that the budget for the future is generally shrinking so new teachers would probably not be available. Therefore, additional student population would result in higher student-teacher ratio. They gave no recommendations relative to conditions and were not recommending that the project be denied. Until the school

district makes the findings that they cannot provide adequate service, cities that have made that findings have been unable to maintain it under appeal. Commissioner Mihata requested information regarding the teacher-student ratio if the projected number of children emerged.

Dr. Schrader asked if the projected planned number of units that might be built could be included in that ratio to see what the district sees as the ideal range, what the remaining physical capacity is for the available classroom space in Canby, and more information on the Measure 5 impact. He asked if a letter could be sent to the district regarding the Commission's concerns. Mr. Hoffman explained that there is a new State law that requires a district that has reached beyond a certain size, to do detailed forward planning with the local community. The district is anticipating that they will be over that limit in the foreseeable future and have started setting up a process that will lead to planning with the City. There will be full cooperation between the City, the County, and the school district.

Mr. Hoffman reported back that he also spoke with Roy Hester as to whether there were current sewer constraints relative to the sewer connection on 5th Avenue regarding the constraints at Locust near 2nd. Mr. Hester said the problem has been corrected. Therefore, the information Mr. Wilhelm submitted was correct. A brief discussion was held regarding the fact that no fence was being proposed by the developer.

Based on Mr. Hoffman's input, **Commissioner Maher moved for approval of the Findings for DR 94-01 [Township Commons Apartments]. Commissioner Gustafson seconded the motion and it carried 4-0 with Commissioner Wiegand abstaining.**

MaLP 94-01 - Jehovah Witnesses

Regarding the easement on the southern property line, Mr. Wheeler explained that after talking with CUB, it was agreed the easement along the full southern property line is not necessary, although they would like the easement up to where the building will be sited and, additionally, the Fire Department is requesting that the water line between Ivy and Knott be connected. Therefore an easement for the water line across that property would be needed. The conditions have been amended to reflect the requests. The water line has not been connected between S. Knott and S.E. 7th Avenue as originally believed and, therefore, is required as a part of this application.

Based on Mr. Wheeler's input, **Commissioner Maher moved for approval of the Final Order for MaLP 94-01 [Canby Congregation of Jehovah's Witnesses], to include the recommendations from the Fire Department and CUB, as follows:**

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. The southern lot line easement shall extend to 117 feet to the east of S. Ivy Street, then due north to the northern exterior lot line.
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. The water lines in S. Knott and S.E. 7th Way shall be connected.
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 Elliot seconded the motion and it carried 4-0, with Commissioner Wiegand abstaining.

Commissioner Maher moved for approval of the Final Order for CUP 94-01 [Canby Congregation of Jehovah's Witnesses] with 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.
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Commissioner Gustafson seconded the motion and it carried 4-0, with Commissioner Wiegand abstaining.

IV. CITIZEN INPUT ON NON-AGENDA ITEMS

None

V. NEW BUSINESS

None

VI. PUBLIC HEARINGS

TA 93-04, a Land Development and Planning Ordinance Text Amendment, initiated by the City of Canby Planning Commission, at the request of City Council and the Chamber of Commerce. The purpose of the text amendment is to change the Canby Land Development and Planning Ordinance, Chapter 16.42, Signs, as follows: 1) Sandwich boards are permitted, with limitations, in downtown and along Highway 99-E (called "Daily Display Signs"); 2) Banners and Pennants are permitted, with some limitations on size, type, and duration; 3) Ordinance Administration and Enforcement policies and procedures are clarified; 4) Definitions are provided in key cases; 5) A process to "modify" application of Sign Standards is provided; 6) Current practices are codified in some cases; and 7) A Sunset Clause is provided for a "test period," with resolution to continue the ordinance. The effect, if adopted, would be Citywide.

Vice-Chair asked if any Commissioners had ex-parte contact or conflict of interest. None was indicated.

Mr. Hoffman reviewed the events leading up to the proposed Sign Ordinance. He then pointed out which findings need to be made for a Legislative Text Amendment. It must be found that the plans and policies of the City are followed; that there is a public need for the change and that the proposed change serves the public need better than any other changes; and that the change will preserve and protect the health, safety, and general welfare of the residents of the community. Mr. Hoffman explained that, according to the Chamber's Sign Committee, there are certain constraints and a certain lack of clarity, especially the lack of definitions, in the current sign ordinance. After reviewing other city's ordinances, the committee recommended the ordinance under consideration which, it believes, includes consideration for safety, liability, circulation, aesthetic, economic and community values. The proposed Sign Ordinance attempts to clarify and correct those constraints and includes a procedure whereby the new ordinance would be tested for a one year period. The "Sunset Clause" would apply if the community finds it should not be extended. In so doing, "community standards" would apply. Under Design Review, new developments and major expansions would include sign review. Under the proposed ordinance, standards are provided to review wind load, liability, and circulation requirements. Staff recommends that if the Commission accepts the

committee's findings and determines the new ordinance covers broad community values, as there is a "sunset clause" incorporated into the proposal, it should recommend that City Council approve the proposed ordinance.

Proponents

Rosemary Glutch, Chairman of the Chamber of Commerce Sign Committee explained why the Committee felt the current ordinance needed to be amended. She explained that businesses needed an ordinance they could read and understand, without a lot of vagueness. The proposed ordinance would facilitate compliance. Special event banners, sandwich board, and daily event signs are very important to local businesses, especially those set back from the main highway. The business community needs the flexibility to reach the growing population, she added, as well as the people driving through. The Committee has tried to accomplish clarity on the issue of signage, while trying to improve self-governing of the ordinance so as to remove the burden of enforcement from the City staff.

Neither For Nor Against

Hank Fenske, 1110 N. Aspen Court reviewed what he considered mechanical comments and content comments and submitted written comments for review. He pointed out that the Sign Ordinance is a chapter in the Zoning Ordinance and should be referred to as such. He also pointed out certain duplications contained in the proposed ordinance. In his written comments, Mr. Fenske submitted a suggested layout for the final ordinance. He suggested that, as written, virtually every sign falls under the categories of "exempted" or "prohibited" signs and do not meet the requirements. The prohibited sign list is too restrictive, he added, and some might be satisfactory if they were controlled as to size, duration, color, and location, through a sign permit process. Mr. Fenske stated his concerns regarding liability waivers with the use of sandwich board type signs. Although the waivers sound good in principle, the reality, he explained, is that many kinds of liability cannot be waived. Wide streets and sidewalks are an asset to any community and they are compromised when abused with such signs. At one time, he pointed out, residents felt the planting islands at downtown intersections infringed on the desire for wide streets, and daily display signs will, most likely, be found to infringe on that desire too. Lastly, Mr. Fenske suggested that instead of the existing proposed Section 16.42.120, Modification of Sign Standards, that requests for modifications should be in accordance with the current variance procedures. (It was discovered late in his presentation that many of Mr. Fenske's concerns were with an earlier draft of the proposed ordinance and had been corrected in the current version.)

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

1. The Commission discussed some of Mr. Fenske's mechanical concerns and felt confident that staff, and the sign committee, would work hard to make it very readable and orderly.

2. The Commission discussed the content suggestions from Mr. Fenske. Mr. Hoffman explained that the intent of this format was to clearly retain the existing ordinance and show which particular items were being added.
3. The Commission discussed the liability issue. Mr. Hoffman explained that the City Attorney reviewed the liability section under the "Daily Display Signs" section, and revised the wording to read: "The applicant shall assume all liability for incidents involving the sign by signing a document exempting the City from liability, and providing liability insurance in the form required by the City Attorney, and in an amount not less than the current tort liability limitations." This language would assure adequate coverage for the amount of exposure.
4. The Commission discussed the sandwich board sign dimensions with regard to rights-of-way, in that it might not be very aesthetically pleasing in the downtown area, given the density of buildings, and agreed the maximum size permitted should be 3' x 4', or 12 square feet of display area.

Ms. Glutch stated that probably only 15% of the businesses wanted to use daily display/sandwich board signs. She submitted photographs taken on N.W. 23rd Street in Portland which, in her estimation, shows that they can look aesthetically pleasing, if well done. These types of signs, she added, would only be one more vehicle to assist business people trying to increase business, as would banners. The Commission questioned the review of the design of signs. **Diana Precht** added that the Chamber's role was to help educate businesses so they would realize that more customers would be obtained with pleasant looking, nicely designed signs. Ms. Precht added that the Chamber can only suggest, recommend, and encourage, but not insist on any particular design, just as design of signs is not now regulated aesthetically.

5. The Commission agreed to use the variance section of the Ordinance with regard to requested changes, as suggested by Mr. Fenske., and omit the Sign Modification section.
6. The Commission discussed the issue of pedestrian movement on the sidewalks in connection with the placement sandwich board signs, tables, umbrellas, etc. **Ms. Precht** stated that the results would be realized within the one year trial period, which was the reason for the Sunset Clause. In reference to the maximum thirty day period a banner could be hung for special events once every three months, Ms. Precht explained that the wording was included to prevent the banners from staying up permanently. Mr. Hoffman pointed out that there are two definitions of banners. One is directed to banners with advertising and one to banners without advertising, which would be considered decorations.
7. The Commission agreed the Sunset Clause would protect both the business and City interests.

8. The Commission agreed to add "To Promote Economic Development" to the Purpose Statement.
9. The Commission agreed that during the Sunset period, redundancies in the Code would, most likely, assist business people who scan the ordinance to see what is allowed.

Commissioner Maher moved to conditionally recommend to City Council that TA 93-04 be approved based on staff's memo dated January 24, 1994 and Commission deliberations which included amending the purpose statement and changing the overall size of daily display signs. Staff was requested to consider Mr. Fenske's suggestions and bring the amended version of the Sign Ordinance back before the Commission on February 28, 1994 for final recommendation. Commission Elliot seconded the motion and it carried 5-0.

VIII. DIRECTOR'S REPORT

Mr. Hoffman reported that the South Pine vacation was approved.

Additionally, the first Advanced Financing application for \$800,000 for the Logging Road was approved, and we have started collecting those fees already.

The Historic Ordinance workshop was also held and there will, most likely, be a vote at the next Council meeting. No changes were recommended. Mr. Kelly brought in a petition signed by about 50 people.

The Willow Creek Estates advanced financing application has been rescinded.

The site for the park on the south side of Canby, the Locust Street Park, has been acquired and the City is in the process of selecting a design consultant to work with the neighborhood regarding design of the park.

Mr. Hoffman explained that he walked the Cedar Ridge site with Mr. Morse and Mr. Morse has agreed to correct a few details: adding sidewalks in front of each of the walkway areas and one in a common area; to spend the money to replace the bark chips with bark dust in the tot lot; and has submitted \$6,000 to be used to complete the walkway system. The monies will be deposited in the SDC fund. All the trees and bushes that abut the recycling plant have been replaced. The bond will not be released until everything is taken care of to the City's satisfaction. Further, he explained, there are a number of things the Homeowners Association has requested Mr. Morse take care of, which are not the City's responsibility.

Mr. Wheeler explained that the City now has retained an arborist and he will meet with him next week. Suggestions from the Commission as to where he should concentrate his efforts would be helpful. Draft road standards have nearly been completed. Local streets may have a 50 foot right-of-way, although 40 feet is only required at the present time. Fifty feet will offer more flexibility in dealing with street trees, although the City will generate less tax revenue. The street supervisor is recommending the actual pavement be a minimum of 36 feet. Mr. Hoffman explained that the consultant the City retained to prepare the Transportation plan will include some of the street standards, taking into account bicycle paths, etc.

IX. ADJOURNMENT

The meeting was adjourned at 10:15 pm

Respectfully submitted,


Joyce A. Faltus