

**APPROVED**

**MINUTES**

**CANBY PLANNING COMMISSION**

*Regular Meeting  
February 14, 1994  
7:30 p.m.*

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**I. ROLL CALL**

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

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

Others Present: Eugene L. Cole, Vern Keller, John Hoffman, Roger Reif, Jan Vlcik.

**II. MINUTES**

The minutes of January 10, 1994 were approved unanimously, as corrected.

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

*None*

**IV. COMMISSION DISCUSSION OF PLANNING ISSUES**

Referring to the Forest Grove, Salem and West Linn Tree Ordinances, Commissioner Mihata asked whether the Commission felt Canby should amend its Tree Ordinance to include significant trees and historic trees. Mr. Wheeler explained that he met with the arborist and the City is now looking at inventorying public trees. Mr. Wheeler explained that the inventory was being taken in order to be able to track and maintain Canby trees, and to find out what condition they are in. Once complete, recommendations will be made as to which trees should be removed and replaced. He questioned whether the Commission wanted to include private trees, tree groves, historical trees, etc., or just public trees, as the committee that had been formed to analyze this

issue had decided to only include public trees. The Forest Grove Ordinance includes significant trees in public rights-of-way and wetlands and trees in areas to be developed to, hopefully, reduce clearcutting. It was agreed that if groves did exist on areas to be annexed, they would probably be clearcut prior to annexation, unless the City could work out an agreement with the County. Commissioner Maher suggested inventorying not only public trees, but significant tree groves on developable space which could be annexed, and historic trees in order to assemble evidence in case residents develop interest in such preservation measures later on. Commissioner Mihata pointed out her approval of the Forest Grove ordinance where it is specific about trees on developable land prior to and during development if they are natural drainage or wetland areas, along property lines, for buffers, and in large enough areas and stands not to be affected by natural dangers. The Commission agreed that, at the present time, the most significant land that is large enough to be developed is outside the City limits, although some are well within the Urban Growth Boundary.

The Commission requested that the developable lands within the City limits be indicated on a map for the next Commission discussion of planning issues and, possibly, substantial trees indicated on a map that includes the Urban Growth Boundary. Public rights-of-ways, City lands, and private trees on residential and business properties should also be indicated. Commissioner Ewert suggested indicating what trees are historic within the City limits also. This will assist the Commission in its discussions toward developing a Tree Ordinance. Commissioner Mihata suggested that when discussing the tree issue, consideration should be given to the myriad possibilities for the design of sidewalks, planting strips, and easements. Mr. Wheeler explained that a Transportation Plan is underway at the present time, which is considering rights-of-ways, road standards, etc. The City's consulting engineer has worked up some preliminary standards and it appears to maintain a 40' local rights-of-way and 60' collector rights-of-way in the City. The arborist has preliminarily suggested the sidewalk placed next to the curb would be the best option, but he has not taken utility easements into consideration at this time. Chairman Schrader stated that the Commission would be interested in the dollars and cents involved in that suggestion, the reasoning behind that suggestion, as well as the legal issues and tax roll issues and the aesthetic issues.

Chairman Schrader updated the Commission regarding the Park Plan. He explained that the South Clackamas Recreation District Task Force is trying to see if the community is still interested in promoting the City park plan, as well as park and recreation opportunities outside the City. So far, there's been a lot of input from various interest groups and citizens both inside and outside the City limit and the Task Force is considering that, along with reviewing the

City's park plan. Discussion was also held regarding recreational programming, capital facilities [including input from various groups who use the parks for both active and passive activities] and, at this point the Task Force has come up with tentative potential organizational structures that could possibly be used. Additionally, the Task Force has narrowed down the land and facilities that might be of district-wide advantage. Now the Task Force is in the process of finalizing a draft plan to take back to the different groups to see if it encompasses what they want.

Chairman Schrader asked if the Commission wanted to continue with the idea of updating the ordinances to encourage pedestrian oriented neighborhoods. He suggested this might be part of the Transportation Plan. Mr. Hoffman explained that the Transportation Plan will include proposals and guidelines of how to encourage non-motorized vehicles, so pedestrian and bicycle movement will be part of it. Kittleson would like input regarding what other streets, besides arterials, the community would like bicycle paths on. Part of the Transportation System under the new Rule would require that the community makes decisions about how it is intending to move and provide for bicycle and foot paths. At this point, Kittleson is planning to include them on arterials, but is unsure about collectors, due to traffic concerns. Commissioner Schrader suggested someone from Kittleson to coordinate with Scott Nelson, from the South Clackamas Recreation District, as bicycle paths are a big part of their plans.

The issue of delayed annexation was discussed as an important part of improving its tax base. Whether or not a grant becomes available to investigate this further, as it offers considerable tax advantages, it will be undertaken. Without a grant, it will just take longer. It was agreed that timing and a cooperative agreement with the County are both very important components of this issue.

Input from the school district regarding the definition of capacity, in the form of returned Requests for Comments, is rarely submitted. Mr. Hoffman explained that he has been in touch with the superintendents who are both interested in a process to work with the City. Mr. Reif explained that it is starting out at staff level. At the next meeting, it is expected to be adopted as part of the unification report, where staff will be encouraged to work, in a joint effort, with the City and County. Chairman Schrader requested that a letter be sent to both superintendents to advise them of the Commission's concerns and formalize joint effort process. Mr. Reif suggested it might be beneficial if one of the Commissioners attended the meeting and spoke during the non-agenda portion, of the Commission's interest in doing so. Regular meetings are held the 4th Monday of each month, he added.

Discussion was held regarding Growth, Planning and Urban Reserves, and METRO. Mr. Hoffman explained that the Mayor has scheduled a Visioning Conference with residents, the first of which will be held February 19th. Input from residents regarding growth is a priority. The Commission expressed its hopes that a representative from METRO would attend a meeting and address Commission and resident concerns, and present their alternatives because METRO's actions will definitely have an impact on Canby's growth. Mr. Hoffman explained that, to the best of his knowledge, METRO has offered no particular details, in any of the options, with regard to specific cities. Most of the information offered from METRO is summary areas, not broken down into details city by city. They have an alternative called "Satellite Communities" and only become specific when referring to cities "like" Estacada, Canby, etc. in discussions. The Options generated by METRO were discussed. Under Option #1, the existing METRO cities absorb all the population it generates and deals with it alone; Option #2 does away with Land Use Planning and areas spread out; Under Option #3 the existing METRO cities take some of the brunt of its population growth and the rest of METRO's population live in small specific areas surrounded by green spaces (satellites).

**V. COMMUNICATIONS**

None

**VI. FINDINGS**

None

**VII. NEW BUSINESS**

**VIII. PUBLIC HEARINGS**

**MLP 93-08**, an application by Canby Fire Protection District #62 for approval to partition a 4.11 acre parcel into two lots, approximately 2.11 and 2 acres, respectively. The applicant is proposing to construct a fire station to house fire and emergency vehicles, and to eventually house equipment and staff. The site is located on the southwest corner of Highway 99-E and S. Pine (Tax Lot 800 of Tax Map 3-1E-33DA).

The applicant requested that this hearing be postponed to February 28, 1994. The Commission agreed to such postponement.

**CPA 94-01**, an application by CTA Service Corp. and Canby Telephone Association for a Comprehensive Plan Amendment to change the official land use designation from High Density Residential to Highway Commercial for Tax Lots 7300, 7301, 7400, 7500 and 7600 of Tax Mp 3-1E-33DC. The applicant will continue to use and further develop the parcel into highway commercial uses. The site is located on the south side of S.E. 2nd Avenue, between S. Ivy and S. Juniper.

Chairman Schrader asked if any Commissioner had ex-parte contact or conflict of interest. None was indicated, other than visiting the site, but coming to no conclusions. Dr. Schrader then explained the hearing process and procedures and referred to the criteria that was posted for informational purposes.

Bob Hoffman presented the staff report. He explained that the applicant applied for a zone change in 1974, to rezone the parcel from R-2 to C-2, and the request was denied. A Conditional Use application for vehicle storage, a warehouse, and maintenance operations was then approved, subject to a condition requiring that a living screen together with a chain link type fence to separate contiguous property on the south and east be installed. The homes along 3rd and Knott are separated from the utility yard by a fence with redwood slats, but no landscaping. Additionally, a waiver of remonstrance and property dedication along 2nd Avenue were required. A request for a variance to the setback requirements was denied. In recent years, the parking lot has been expanded onto adjacent lots. Parking on separate lots would be an acceptable conditional use, but none was requested. A home was converted to an office use which is not allowed in an R-2 zone unless it is considered an accessory use to the main use, which would require a conditional use, but none has been applied for. Since zoning began in Canby, the subject area has been zoned residential, which would not permit equipment storage. The 1984 Comprehensive Plan indicated this property High Density Residential. Nearby properties fronting on Ivy and 99-E are zoned Highway Commercial.

Mr. Hoffman discussed the applicant's response to Policy #1 of the Land Use Element, to guide the course of growth and development to separate conflicting or incompatible uses. In the applicant's addendum, the major expansion of employees, customers, and vehicles, since 1974 and projections to the year 2013 are described. The applicant forecasts an 84% growth in employees, 120% growth in customers, and a 100% growth in vehicles over the next 20 years. Requests for Comments were sent to service providers and no concerns about the proposal were expressed in those that were returned.

If the proposal was approved, it would bring the Zoning Map and Comprehensive Plan into agreement and would bring the map into agreement with the current uses which have evolved over the years. In terms of

transportation, Mr. Hoffman explained that as traffic builds up on S. Ivy, staff anticipates there could be some conflict between the subject site as it develops if it accesses onto Ivy. If the development had its access on 2nd instead, at least during peak hours, conflicts could be avoided. Mr. Hoffman's referred to a map designating residentially zoned areas near transportation facilities, some of which are outside the City limits, but within the Urban Growth Boundary. He explained that some of those sites might possibly be converted from Low Density [R-1] to High Density Residential Land Use [R-2] in the future because of their access to transportation and because there is no high concentration of single family homes existing in those areas, which would incur less opposition in the community. In addition, he explained that in order to gain 25 additional dwelling units, 2.27 net acres of Low Density land would need to be converted to High Density. The map he referred to illustrated 42 tax lots which might be considered for conversion from Low Density Residential to High Density Residential. Each of the 42 tax lots exceeded the needed 2.27 net acres. After researching the record, Mr. Hoffman explained that he has not found any change from residential to any other use since 1984. There have been numerous amendments from lower to higher density for residentially zoned properties, which has added capacity to the City, but some losses of potential development occurred when higher density areas were developed with single family homes.

Staff finds the proposal meets the adoption criteria provided that the Commission is satisfied that residential land needs can be provided elsewhere.

### Applicant

**Roger Reif, 273 N. Grant** addressed the issue of the zone change requested in 1974. He stated that there was no opposition, or any opponents to that request, and it was still denied. At that time, need was the main issue, and no one could have possibly anticipated the way things would have grown, especially with cable tv, fiber optics, networking, etc. Since then, the number of customers has increased from 4,000 to 17,000+. The growth was not as much in telephone per se, but in telecommunications. Mr. Reif addressed the Housing Element and Public Facilities and Services Element of the Comprehensive Plan. He explained that CTA is a service organization that supports Canby housing by providing services to residents. A goal of the Plan is to recognize growth and priority is given to providing services. As neither relocating, nor is having separate offices in various areas in town is very practical, Mr. Reif explained that the property was purchased with expansion in mind. Regarding the preservation of R-2 land, Mr. Reif explained CTA does not have land to trade. There is more need for R-2 land and it can be obtained. Mr. Reif referred to Mr. Hoffman's map which indicates this point.

**Eugene L. Cole, 888 N.W. 12th, President, Canby Telephone Association** explained that CTA serves an 86 square mile area and the cable company serves 260 square miles. As expansion and growth are inevitable, it would be much more convenient to have CTA, which is currently on N. Grant, and the telephone offices, which are in a new building on 99-E, together in one office to serve the community more conveniently. Basically, the vehicles are there for a short time in the morning and return in the evenings. The company is investigating the idea of one new building to house administration and offer meeting rooms open to the public. One of the existing buildings, the old house would, most likely, be demolished. In addition, Mr. Cole explained that CTA owns 40% interest in a data processing company in Molalla which could move there, and OCTS offices too, as the warehouse is 6-8 feet higher and could accommodate a second floor. Mr. Cole explained that if North Willamette Telecom had to relocate for more space, it would take about 35 jobs, and move \$4 million of assets.

**Jan Vlcek, P.O. Box 432, Aurora** explained that a number of existing and intended proposed uses in the future would not be permitted in an R-2 zone, which is why the Zone Change is requested, along with the Comprehensive Plan Amendment. In that way, current uses and expansions and additions in the future, would be in compliance.

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

1. The Commission discussed Mr. Cole's testimony regarding the current thinking of CTA and the cable company as far as expansion plans and intensifying current service.
2. The Commission discussed buffering the storage yard since it does exist in a residential area. Mr. Cole agreed that if necessary, this would be done.
3. The Commission discussed the difficulties of preserving R-2 land in Canby, including the fact that CTA cannot trade the land they own for other land in the growth boundary, and that some conversion of R-1 to R-2 land may be possible. The Commission discussed the fact that one of the goals of the Comprehensive Plan is growth, where priority is given to providing services, and that such service-providers support the housing element.
4. The Commission discussed the fact that expansion of CTA/Canby Telephone could bring additional employment to the community.

5. The Commission considered Mr. Reif's testimony that 25 units of housing on this site would generate as much, if not more, traffic.
6. The Commission considered Mr. Hoffman's testimony and map designating residentially zoned areas near transportation facilities, which are outside the City limits, but within the Urban Growth Boundary. Some of those sites might possibly be converted from Low Density [R-1] to High Density Residential Land Use [R-2] in the future. Mr. Hoffman had explained that in order to gain 25 additional dwelling units, 2.27 net acres of Low Density land would need to be converted to High Density. The map illustrated 42 tax lots which might be considered for conversion from Low Density Residential to High Density Residential. Any one of each of the 42 tax lots exceeded the needed 2.27 net acres.
7. The Commission considered testimony indicating that separating the functions of CTA and the cable company were deemed to be impractical as neither company would run as efficiently and effectively.
8. It was agreed that Design Review was the appropriate phase to consider additional land requirements and building size and buffering.
9. The Commission considered testimony which indicated that neither CTA, nor the cable company, owned large machinery which would be parked on-site, and that large trucks would only make deliveries to and from the site. Only reels, conduits and smaller trucks are regularly stored on-site which would certainly not constitute as much an eye-sore as would large machinery.
10. The Commission considered testimony which cited two cases where proposed light industrial land was previously converted to residential land in the Comprehensive Plan.
11. It was agreed that concern about the cost of services for housing needs should be counterbalanced by commercial and industrial development.
12. It was noted that there was no opposition to the requested Comprehensive Plan Amendment or Zone Change.
13. The Commission considered the fact that most of the uses anticipated are already existing on-site. The applicant pointed out that the application is based on anticipated future growth, office intensification, and parking.



14. It was agreed that the goals and policies of the Comprehensive Plan sometimes conflict and that the emphasis of this application, for this location, should be economic development and provision of public facilities and services. The Commission agreed that housing needs should be met elsewhere as the current use already exists on the site.
15. The Commission considered the fact that much of the current property was acquired since the Plan was incorporated in 1984. Prior to that, in 1974, the then Commission approved a Conditional Use for vehicle storage, warehouse and maintenance operations, under R-2 zoning, with the conditions that a site-obscuring fence be installed adjacent to the abutting property, the applicant submit a waiver of remonstrance, and dedicate property along S.E. 2nd. But at that same time, a request for a zone change was denied. Parking on separate lots, under the ordinance, would be an acceptable Conditional Use, but no request has been submitted. Under the present zoning, the office use is not allowed, but would be permissible if considered an accessory use to the main use.
16. It was agreed that if the application is approved, it would bring the map into agreement with the current uses which have evolved over the years.
17. The Commission accepted the applicant's explanation that the criteria where conflicting or incompatible uses should be separated will be adhered to, as the application points out that this proposed amendment to the Comprehensive Plan, together with the proposed future expansion of commercial uses, would effectively group compatible uses from incompatible uses. The homes along 3rd Avenue are separated from the utility yard by a fence.
18. The Commission noted the importance of the employment factor and the services provided to the community.

Based on the findings and conclusions contained in the staff report dated February 4, 1994, on testimony at the hearing, and on Commission deliberations, **Commissioner Maher moved to recommend approval of CPA 94-01 to City Council. Commissioner Elliot seconded the motion and it carried unanimously.**

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ZC 94-01, a request by CTA Service Corp. and Canby Telephone Association for approval of a zone change from High Density Residential [R-2] to Highway Commercial [C-2]. The property is located on the south side of S.E. 2nd Avenue, between S. Ivy and S. Juniper (Tax Lots 7300, 7301, 7400, 7500 and 7600 of Tax Map 3-1E-33DC).

Chairman Schrader asked, once again, if any Commissioner had ex-parte contact or conflict of interest. Again, none was indicated, other than visiting the site but coming to no conclusions. He briefly explained the hearing process and procedures again.

Bob Hoffman presented the staff report. He explained that the zoning must be consistent with the Comprehensive Plan. The planned expansion and growth would necessarily increase the intensity of use. The Conditional Use and Design Review processes will look at how to assure the relationships are most positive on the site, as it relates to its surroundings. Since the Commission was satisfied with the previous application meeting the criteria, staff believes the Commission will find the zoning criteria are also met. Therefore, staff recommends approval based on the previous action.

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

1. Mr. Hoffman explained that a decision on the zone change application depends on approval of the Comprehensive Plan Amendment request.
2. The Commission agreed it would be in the best interests of the City of Canby for the zoning to be consistent with the amended Comprehensive Plan land use map policy.
3. The Commission reiterated its concern for buffering around the stock yard and the reference to a "living hedge" in a previous approval. The Commission accepted Mr. Reif's explanation that the entire parcel is paved and would have to be broken apart to install this. Additionally, as it is all blacktopped, it would be difficult to irrigate such plantings. He added that under Design Review, when other building are eventually constructed, landscaping would be provided.

Based on the findings and conclusions contained in the staff report dated February 4, 1994, on testimony at the hearing, and on Commission deliberations, **Commissioner Maher moved to recommend approval of ZC 94-01 to City Council. Commissioner Gustafson seconded the motion and it carried unanimously.**

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CUP 94-02, an application by North Willamette Telecom for approval to alter the existing covered 3-sided structure by constructing a partitioning wall through the middle of it, and enclosing approximately one-half of the floor area. Additionally, the applicant is proposing to change the use of the structure to an enclosed warehouse facility and covered vehicle parking area. The property is located on the northeast corner of the intersection of S.E. 2nd Avenue and S. Juniper Street [Tax Lot 900 of Tax Map 3-1E-33DC].

Commissioner Schrader asked if any Commissioner had ex-parte contact or conflict of interest. None was indicated although most Commissioners visited the site, but drew no conclusions. Dr. Schrader then explained the hearing process and procedures.

Mr. Wheeler presented the staff report. He explained that there is an existing three-sided structure on the site which was once used for lumber storage. The applicant proposes to enclose the western half of the structure for use as a warehouse, and use the remaining open half as covered vehicular parking. The applicant proposes to use the new structure as accessory facilities for the operation of North Willamette Telecom. There will be little, if any, change to the present appearance or function of the building. Currently, the lot is gravel, and because of parking and maneuvering, it will be necessary to pave the lot. The applicant is aware that because the area to be paved is in excess of 2500 square feet, a Site and Design Review application must be submitted. There is currently a sidewalk along 2nd Avenue up to the intersection of 2nd and Juniper, and a small piece along the northern part of the lot on Juniper. Staff recommends that a 6" raised and elevated curb and sidewalk be completed along Juniper so it would match up to what exists along 2nd. There currently is front-in parking along Juniper, which serves Hoffman Video, and possibly N. Willamette Telecom, which would be eliminated. A walkway would be permitted between the door and gate which is in the fence. Mr. Wheeler explained that Hoffman Video is located to the north, apartments to the east, and CTA to the south.

### Applicant

**Roger Reif** stated he concurs with the staff report. He drew the Commission's attention to the door on the north which, at the time of design review, might be omitted.

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

1. The Commission discussed the parking and maneuvering area and agreed that these issues would be discussed at time of Design Review.

2. The Commission discussed the need for a sidewalk and curb along S. Juniper Street, which would meet the existing curb and sidewalk at the intersection of S. Juniper and S.E. 2nd Avenue.

Based on the staff report dated February 4, 1994, testimony at the hearing, and Commission deliberations, **Commissioner Mihata moved for approval of CUP 94-02, subject to the following conditions:**

1. Paving of the vehicle parking and maneuvering area is required. As a result, a Site and Design Review Application is required and shall be submitted and approved prior to the issuance of a building permit.
2. Storm water design and construction of the paved area of the property shall be approved by the Canby Public Works Department.
3. A sidewalk and 6" curb shall be constructed from the existing driveway along S. Juniper Street, at the northern end of the subject property, to the existing sidewalk and curb at the intersection of S. Juniper and S.E. 2nd. The sidewalk shall match the width of the existing sidewalks and shall be approved by the Canby Public Works Department.
4. A walkway shall be constructed between the northern doorway in the enclosed portion of the existing structure and the gate in the northern fence.

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

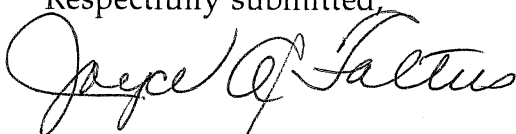
### ***VIII. DIRECTOR'S REPORT***

Mr. Hoffman explained that the City is submitting four grant applications for to ODOT and DLC. He then reviewed the grants, which are all transportation-oriented and asked for approval of the draft Resolution that would be submitted, showing Commission and Council support of the grant applications. **Commissioner Gustafson moved to authorize approval of the grants. Commissioner Mihata seconded the motion and it carried unanimously.**

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

The meeting was adjourned at 11:05 pm

Respectfully submitted,



Joyce A. Faltus