

APPROVED

MINUTES

CANBY PLANNING COMMISSION

*Regular Meeting
June 27, 1994
7:30 p.m.*

I. ROLL CALL

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

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

Others Present: Raymond Baldwin, Dale and Linda Smith, Halvor Gregersen, Lillian Gregersen, Robert Crawford, Al Lindig, Ron Berg, Roger Hudson, Galen Reeknor, Ronald George, Allen Manuel, Dave Kimmel, Brian Olson.

II. MINUTES

None

III. CITIZEN INPUT ON NON-AGENDA ITEMS

None

IV. COMMUNICATIONS

None

V. FINDINGS

Staff explained that Tom Kendall [Oregon Development] has withdrawn MLP 94-02 and, therefore, the final order does not have to be considered.

Commissioner Mihata moved to approve the Final Order for DR 94-05 [Broetje], as submitted. Commissioner Gustafson seconded the motion and it carried unanimously, with Commissioners Ewert and Schrader abstaining.

Commissioner Maher moved to approve the Final Order for SUB 94-03 [Phase VI, Township Village], as amended. Commissioner Elliot seconded the motion and it carried unanimously, with Commissioners Ewert and Schrader abstaining..

VI. NEW BUSINESS

ANN 94-01, an application by Oregon Development, Inc [Tom Kendall] for approval to annex a 30.07 acre parcel into the City of Canby. The property is located on the north side of S.E. 13th Avenue, east of S. Ivy and just east of Valley Farms Subdivision (Tax Lot 2000 of Tax Map 4-1E-3). *Carried over from May 23, 1994.*

Jim Wheeler presented the staff report. He explained that the site is located on the north side of S.E. 13th Avenue, just east of Valley Farms subdivision and south of the new Trost Elementary School. Further, he explained that the Minor Land Partition for the same site has been withdrawn, but that the site would have to be partitioned prior to the effective date of annexation because the 30 acres are part of a 40 acre parcel presently in the County.

The Comprehensive Plan contains competing values with regard to the consistency of the application with the Plan. This property has been listed in the Plan for residential development at some point in time, under Phase C. This application does not comply with the designated phasing in the Plan as Phases A and B are envisioned to be developed prior to Phase C. The applicant would have to demonstrate that: 1) the City would benefit overall as a result of the annexation, that would not occur if the phased growth pattern was followed; 2) that the annexation will result in no adverse impacts on the City's planned provision of public facilities and services; and 3) that the annexation is appropriate in terms of planning for the City's growth and development. In staff's opinion, the applicant has not provided information to demonstrate that the application meets any of those requirements.

Additionally, Mr. Wheeler discussed various goals and policies which include agricultural land as it relates to annexation and development, and this application. Mr. Wheeler stated that development of this land would help pay for the Logging Road improvements. Staff concludes that the proposed annexation could be interpreted to meet the requirements of the criteria. If the Commission weighs the conflicting criteria in the Comprehensive Plan and recommends that the City Council recommend approval to the Boundary

Commission, staff suggests certain understandings should apply, as indicated in the written staff report. Another understanding was added that states that a Minor Land Partition would have to be effected prior to the effective date of annexation.

Although this application is not being heard as a public hearing, the Commission asked if anyone wanted to testify for or against the application. No one came forward. The Commission then discussed the annexation application. Issues discussed included:

1. The Commission discussed the fact that the applicant did not provide any evidence that the current agricultural operations are not economically viable. The Planning Commission discussed the fact that the subject property appears to be economically viable agricultural land.
2. The Commission agreed that the applicant did not provide sufficient evidence that annexation of the subject property at this time is justified, especially in light of the fact that the subject property is in "Area C" on the Growth Priorities map. Usually Areas "A" and "B" are considered for annexation before Area "C" sites under the growth phasing concept.
3. The Commission agreed that the applicant did not provide any evidence that there will be some special benefit to the City overall as a result of the annexation which would not occur if the phased growth pattern was followed.
4. The Planning Commission agreed that the appropriateness of annexation of this property was not proven by the applicant.
5. A dissenting vote found that availability of urban level of services are immediately adjacent to the subject property justifies annexation; that the Comprehensive Plan (Policy 1 of the Housing Element) counts on the development of the subject property residentially; and that the agricultural operations of the subject property are incompatible with the adjacent urban level residential development.
6. The Commission discussed forwarding the record of Commission deliberations regarding the Minor Land Partition of this site to City Council, especially as it included discussion about the Canby visioning sessions.

Based on the staff report dated May 13, 1994 and on Commission deliberations, **Commissioner Elliot moved to recommend denial of ANN 94-01 to City Council. Should the Portland Metropolitan Area Local Government**

Boundary Commission decide to approve the application, the Planning Commission recommends that the City Council forward the following understandings:

1. The zoning classification for the property upon annexation will be R-1, Low Density Residential.
2. All development and recording costs are to be borne by the developer when the property is developed.
3. All City and service-provider regulations are to be adhered to at the time of development.
4. Any large scale development of the property must be preceded by a Subdivision review or Site and Design Review.
5. Dedication of ten (10) feet of land along S.E. 13th Avenue for road widening purposes, prior to connecting to the City sewer system will be needed.
6. Road improvements to the whole street frontage along S.E. 13th Avenue will be required as a part of any development of the property, beyond one single family residential structure.
7. A Minor Land Partition will need to be effected prior to the effective date of annexation.

Commissioner Mihata seconded the motion and it carried 5-1, with Commissioner Gustafson voting nay.

VII. PUBLIC HEARINGS

DR 94-06, an application by Canby Congregation of Jehovah's Witnesses [Roger H. Hudson] for Site and Design Review approval of a one-story Kingdom Hall designed to accommodate several classrooms, an office, a main auditorium with seating for 189 persons, and a small caretaker's apartment. The site is located at 748 S. Ivy Street (Tax Lot 1100 of Tax Map 4-1E-4AB).

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, and the applicable criteria.

Mr. Wheeler presented the staff report. The house addressed as 748 S. Ivy Street, has been demolished, he explained. Further, he explained that the property was recently approved for partitioning in January of 1994, and Parcel #1 would be used for a Kingdom Hall under a conditional use approval. The applicant is proposing to landscape approximately 29% of the lot. Regarding parking, he explained that one parking space is required for every 4 seats, and two for the caretaker's apartment (50 spaces), and sixty-two spaces are represented on the site plan. Four handicapped spaces are also proposed, although only two are required. The handicapped spaces will have to be striped to meet the State Structural Specialty Code requirements for handicapped parking and access. No sidewalks and curbs will be required along S. Ivy, as it is a County road, and the County has not provided elevations for curb and sidewalk construction. As part of the Minor Land Partition application, money for the construction is required, at such time as it is feasible to do so. Because this application is independent of the MLP, the same condition for sidewalk improvements should be applied. No walkway is proposed from the street to the building, as is required by Section 16.10.070(B)(5). A walkway could be provided within the northwestern perimeter landscape area which could connect to the entrance across the driveway. Although a small portion of the landscape area would be eliminated, there is sufficient landscaped area proposed to furnish a small portion to provide the connecting walkway. Because no sidewalks will be provided along the street frontage, the walkway will need to go to the edge of the existing pavement. The proposed sign, which will be placed perpendicular to the street, will be 7 feet wide and just less than 3 feet high, approximately 38 square feet. He explained that the Oregon Transportation Planning Rule requires a provision for pedestrian and bicycle traffic, and that providing a bike rack near the entrance of the building and providing a walkway connecting the entrance with the public right-of-way would meet those requirements. Mr. Wheeler then reviewed the tree plan and discussed the existing trees that are planned to be retained which are not on the plan. He explained that three red-leaf maples proposed along S. Ivy will require severe pruning as they mature. PGE has recommended street trees which would be more appropriate for planting under power lines. To facilitate retention of the Madrone tree, staff recommends the aisle width between the compact spaces and the tree be reduced two feet. The driveways along the southern part of the lot near S. Ivy are both one-way drives and are proposed to be 15 feet wide. Reducing them to 14 feet each would provide two more feet for landscaped areas, trees, the sidewalk, and the sign. Staff recommends approval, with conditions, which Mr. Wheeler reviewed.

Applicant

Al Lindig, 1485 S.E. 13th Avenue explained that the members would like to see the building completed as soon as possible. After talking to the neighbors, the applicant is agreeable to installing a wooden fence, as opposed to dense plantings along the perimeter of the site or a cyclone fence.

Ronald Georges, 3106 SE 57th Avenue, Portland 97006 explained that he is in charge of landscaping for the applicant. He stated that the reason the firs are being retained is to help recreate the environment with a park-like effect. Further, he suggested a high shrub tree on S. Ivy, like a lilac, instead of trees where they would interfere with PGE lines.

Proponents

None

Opponents

None

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

1. The Commission discussed fencing. It was agreed that a wood fence is more appropriate, from an aesthetic point of view, for the site development and for blocking headlights in the parking lot, than a cyclone fence.
2. Based on testimony, the Commission agreed that either small street trees or other "accent" shrubbery, like the lilac tree, is suitable for the landscaping along S. Ivy Street.
3. The Commission agreed that it would like to see the Madrone tree preserved. Further, it was agreed that adjusting the aisle width immediately adjacent to the tree by two feet, is acceptable.
4. The Commission commended the applicant on doing such a good job in preserving existing trees.

Based on the staff report dated June 17, 1994, on testimony at the hearing, and on Commission deliberations, **Commissioner Maher moved to approve DR 94-06, with the following conditions:**

1. Storm water design and construction of the paved area of the property shall be approved by the Canby Public Works Department.
2. 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. This payment shall be made prior to the final inspection for the building.
3. Curb stops shall be placed between the parking/vehicle maneuvering areas and the landscaped areas.
4. The handicapped parking spaces shall be striped and constructed to meet the State of Oregon Structural Specialty Code. At least one handicapped parking space shall be "van accessible."
5. The fire hydrant shall be located at the eastern end of the northwestern perimeter landscaping area, as per the Fire Marshal.
6. The location and placement of the sign shall allow for the construction of an unobstructed sidewalk along S. Ivy Street.
7. A bike rack shall be placed near the entrance of the building.
8. A detailed landscape plan shall be submitted with the building permit. The detailed landscape plan shall show: the number of plants, plant spacing/location of planting, the type of plants, the schedule of planting, and irrigation plans.
9. A wood, sight-blocking fence shall be constructed along the perimeter of the property.
10. The landscaping shall be planted at such a density so as to provide a minimum of 95% coverage of the landscape areas with vegetation, within a 3-year time period. Bark mulch and similar material shall consist of not more than 5% of the total landscape area after the 3-year period.
11. The northern row of parking spaces, located to the west of the building, shall be 16 feet deep and shall be designated as compact spaces. The designation shall be in the form of the words "For Compact Cars Only" painted on the asphalt.
12. The one-way drives, located to the west of the building, shall be reduced to 14 feet in width. The landscaped area along S. Ivy Street

shall be enlarged two feet to the east. If trees are to be planted in this area, they shall be selected from the Portland General Electric's "Trees: A Guide to Selecting Street Trees."

13. The northwestern perimeter landscape area shall be enlarged by two feet to the south. The existing Madrone tree, the existing Dogwood tree and the existing, non-topped fir trees shall be retained. The City Arborist shall be on-site during grading and construction work of the curbs, pavement, and sidewalk, within 10 feet of the Madrone tree.
14. A walkway connecting S. Ivy Street with the entrance of the building shall be constructed through the northwestern perimeter landscape area. The walkway shall end at the end of the pavement along S. Ivy Street, even with the pavement in elevation. A ramp shall be provided at the eastern end of the walkway. A striped "crosswalk" shall be provided from the eastern end of the walkway, across the drive, to the entrance of the building.
15. The strip of land to the south of the building shall be surfaced such that unwanted vegetative growth is controlled.

Commissioner Elliot seconded the motion and it carried unanimously.

MLP 94-03, an application by Allen Manuel and Tom O'Halloran for approval to partition a 19,500 square foot parcel into two parcels, approximately 7,000 square feet and 12,500 square feet, respectively. The property is located on the west side of S. Ivy Street, south of S.W. 3rd Avenue and north of S. Township Road [Tax Lot 5900 of Tax Map 3-1E-33CD].

Chairman Schrader asked if any Commissioner had ex-parte contact or conflict of interest. Other than visiting the site, none was indicated. He then reviewed the hearing process and procedures and criteria.

Bob Hoffman presented the staff report. He explained that this application was previously approved but was not recorded with the County within one year, so the approval lapsed. The property, he explained, is zoned Commercial/Residential and the lot is presently occupied by a single family home. It is surrounded to the north by R-2 (High Density Residential Zoning), and to the south and west by R-1 (Low Density Zoning). If the application is approved, there is room for adequate yards provided that required easements, access drives, and partition line adjustments are provided. A paved access drive immediately to the south provides access to Tax Lots 7601 and 7700.

The owner of the flag lot has signed an affidavit giving Mr. Manuel authorization to represent him regarding the access road. Mr. Hoffman described the apartment complexes located to the north. He then explained that the proposal, if approved, would allow an increase in the housing density to occur on the site, adding that the surrounding land use and density would imply that increased density would be compatible. He further explained that two units would be permitted outright on the rear lot without design review or conditional use approval, but that 3 or 4 units would trigger a conditional use and design review approval. After discussions with staff at the Sewer Treatment Plant, it has been determined that there is capacity to handle the existing residential unit and a maximum of four residential units on the rear parcel. City policy has been to require the necessary street, sidewalk, and curb improvements on the site, at time of partition or construction, or bonding will have to be provided to insure these improvements. All public facilities are available with adequate capacity but staff has been advised that a small lift station may be required due to the shallow nature of the sewer, although the possibility exists that the site could be served off Holly. The Fire Marshal asked that staff ensure parking and access drives be constructed with a turnaround for emergency vehicles, and that if any building is further than 250 feet from a fire hydrant, a new hydrant would be provided at or near the entrance on Ivy. Staff recommends approval with conditions.

Applicant

Allen Manuel, 1612 N. Redwood stated that he concurred with the staff report and urged approval of the application.

Proponents

None

Opposition

Ron Burges, 203 S.W. 3rd Avenue stated his concerns about the noticing process as many adjacent owners were not notified of this hearing. Further, Mr. Burges stated his concerns about the density in the area. He pointed out that there is a 4-plex flagged in off S.W. 3rd Avenue, which has severely downgraded the neighborhood. He also pointed out that there are two 4-plexes adjacent to this property on the corner of S.W. 3rd and Ivy, which are in dire need of repair. Should a 4-plex be constructed on the newly created lot, there would be 18 apartments in a close area, which is too dense for the area. There have been many problems stemming from the apartments on 3rd and Ivy, with junk thrown over the fence and children climbing the fence. Mr. Burges further stated that there is poor representation on the Commission from the south side of town, and encouraged the Commission and Council to try to

attract people from the south side.

Rebuttal

Allen Manuel stated that the neighborhood is in transition but that the apartments have all been built in R-2 zones and he would try to make whatever is constructed on the lot, as nice as possible.

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

1. The Commission discussed the turnaround. Mr. Hoffman explained that the Fire Marshal does not require access for an emergency vehicle without backing movement, just that the emergency vehicles can access the units without backing out of the driveway. Staff also reminded the Commission that anything other than a duplex would require Site and Design Review.
2. The Commission discussed the noticing process. Mr. Manuel explained that he had the adjacent owner list compiled by Chicago Title. After further discussion, Mr. Manuel agreed to assemble a new list for renotification purposes. He added that the orange sign has been posted for a long time, on the front lawn. Mr. Hoffman explained that a second hearing only requires a 10-day notice.
3. The Commission suggested that a continuance would permit staff to gather more input from the Fire Marshal.

Commissioner Gustafson moved to continue MLP 94-03 to July 13, 1994 in order to notify all adjacent property owners and obtain more information from the Fire Marshal. **Commissioner Maher** seconded the motion and it carried unanimously.

Due to the lateness of the hour, Chairman Schrader announced that the applications for MLP 94-05 [Smith] and DR 94-08 [Scott] would be continued to July 11, 1994.

MLP 94-04, an application by Melvin L Dorson for approval to partition a 24,375 square foot lot into two lots, 11,700 square feet and 12,675 square feet, respectively. The applicant proposes to install a manufactured home on the easterly 11,700 square foot lot. The property is located at 784 N.W. 3rd Avenue (Tax Lot 1400 of Tax Map 3-1E-32D).

Chairman Schrader asked if any Commissioners had ex-parte contact or conflict of interest. Other than visiting the site, none was indicated. He then reviewed the hearing process and procedures and applicable criteria.

Bob Hoffman presented the staff report. He explained that the site is located on N.W. 3rd Avenue, just east of N. Cedar Street. The site is nearly two-thirds of an acre and there is an existing house on the westerly portion of the site, Mr. Hoffman explained. Mr. Dorson, he explained, intends to partition the site in order to place a manufactured home on the easterly lot, although the approval would not limit it to a manufactured home. There is approximately 125 feet of frontage along N.W. 3rd. There is multiple housing along Cedar Street, industrial to the west, and vacant property to the south [Rinkes]. The property is zoned R-2 and the Comprehensive Plan designation is high density residential. Minimum parcel size would be 5,000 square feet and since both parcels will exceed that, both parcels could support more than just single units. N.W. 3rd Avenue is the primary truck route for Johnson Controls, Potters and the small light industrial district on Birch. Ultimately, the connection to Berg Parkway will become the primary access into the industrial district. Sidewalks, curbs, and street trees would need be provided along N.W. 3rd Avenue either when the new home on the easterly lot is constructed, or under the bonding provision at time of partition. The orientation of the parcel does meet the basic requirements for solar access and any future development on the parcels would be reviewed for compliance with the solar access requirements. Staff recommends approval with conditions.

Applicant

Melvin Dorson, 784 N.W. 3rd Avenue stated that he plans to install a manufactured home on the eastern portion of the property, which will improve the site. He added that he also proposes to improve the entire site and the existing home so as to use it for a rental. Further, Mr. Dorson requested permission to delay construction of sidewalks until the adjacent property is developed, or the Rinkes site across N.W. 3rd is developed. The property to the north and east, he added, are weeded lots.

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

1. The Commission discussed the importance of the orientation of the proposed home on the easterly lot to ensure it meets the Solar Ordinance requirements.
2. The Commission discussed the frontage of the site along N.W. 3rd Avenue. It was determined the easterly lot has a 60' frontage and the

exhibit was amended to so designate that frontage.

3. The Commission discussed the setbacks for the proposed manufactured home on the easterly lot. The Commission requested that staff investigate the yard setbacks to determine if the required 10' and 7' side yard setbacks were met for the existing home.
4. The Commission encouraged the applicant to retain the trees on the property. The applicant assured the Commission that most, if not all, the trees would remain, especially those that are over 100 years old.
5. The Commission discussed the importance of preserving R-2 property, to be developed in accordance with the Comprehensive Plan.
6. The Commission discussed street improvements and agreed improvements could be made prior to occupancy of the home on the easterly lot.

Based on the findings and conclusions in the staff report dated June 17, 1994, on testimony at the hearing, and on Commission deliberations, **Commissioner Mihata moved for approval of MLP 94-04 with the following condition, and asked by the time the final order was prepared, that staff investigate the yard setbacks to confirm that the required setbacks are met:**

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. MLP 94-04.
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 street frontages.

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. Sidewalks and curbs, where missing, shall be provided prior to occupancy of the home on the easterly lot.

Commissioner Maher seconded the motion and it carried unanimously.

THE FOLLOWING PUBLIC HEARINGS WERE CONTINUED TO JULY 11, 1994.

MLP 94-05, an application by William and Linda Smith for approval to partition a 149' x 290' parcel into three parcels. The existing home is proposed to remain on a 120' x 154' parcel, and the two new parcels are proposed to be approximately 72' x 140' each, with access from a 20' deeded easement along the subject lots' westerly boundary line. The property is located at 1188 N. Locust Street [Tax Lot 7300 of Tax Map 3-1E-33AB].

DR 94-08, an application by Don Hardy, Planning Design Group [applicant] and William and Irva Graham [owners] for Site and Design Review approval of a Card Lock Facility added on to the existing Pacific Pride card lock facility, operated by Graham Oil. The site is located at 640 SW Second Avenue, west of S. Elm Street [Tax Lots 6500 and 6501 of Tax Map 3-1E-33CC].

VIII. DIRECTOR'S REPORT


Regarding the dissenting vote on the Faist annexation [ANN 94-01] application, Mr. Wheeler asked if the Commission felt it was reasonable to include in the findings that the dissenter found that it was in the urban growth boundary and therefore, designated for eventual development, and has urban level services available for development. The Commission agreed such wording could be included in the final order.

Mr. Hoffman reported that a meeting is scheduled for Wednesday for staff to review the final Transportation Plan including the methodology for a systems development charge. The report will be available for the joint meeting with the Council shortly. Mr. Hoffman explained that it might be best if the Stormwater Systems Development Charge is combined with the transportation charge, given that almost all of the stormwater will be going into drywells within the roads. Mr. Hoffman further explained that although staff at DEQ is discouraging drywells, they are not aware of the costs involved in a full stormwater system to service an entire city. There hasn't been documentation of any failures either, except that in the event of a failure, the cleanup is very difficult.

IX. ADJOURNMENT

The meeting was adjourned at 11:15 p.m.

Respectfully submitted,



Joyce A. Faltus