

APPROVED

MINUTES

CANBY PLANNING COMMISSION

*Regular Meeting
July 25, 1994
7:30 p.m.*

I. ROLL CALL

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

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

Others Present: Dave Kimmel, John Watson, Ernie Graham

II. MINUTES

The minutes of **June 13, 1994** were approved, as submitted.
The minutes of **June 27, 1994** were approved, as submitted.

III. CITIZEN INPUT ON NON-AGENDA ITEMS

None

IV. COMMUNICATIONS

None

V. FINDINGS

Commissioner Maher moved for approval of the SUB 94-01 [Pizzuti] Final Order, as submitted. Commissioner Gustafson seconded the motion and it carried 5-0, with Commissioner Wiegand abstaining.

Commissioner Gustafson moved for approval of the MLP 94-03 [Manuel/O'Halloran] Final Order, as corrected. Commissioner Elliot seconded the motion and it carried 5-0, with Commissioner Wiegand abstaining.

Commissioner Elliot moved for approval of the MLP 94-05 [Smith] Final Order, as submitted. Commissioner Maher seconded the motion and it carried 5-0, with Commissioner Wiegand abstaining.

Commissioner Maher moved for approval of the DR 94-09 [Wayne Scott] Final Order, as submitted. Commissioner Ewert seconded the motion and it carried 5-0, with Commissioner Wiegand abstaining.

VI. OLD BUSINESS

John Watson, 6 Othello, Lake Oswego, developer of Pine Crossing Manufactured Home Park, explained that the delay regarding the rock wall has exceeded any economic benefit, so the rock retaining wall has been removed and the planting strip will be installed behind the sidewalk. The fence, as shown on the approved plans, will be 10 foot behind the curb, which is 5 feet into the property line, leaving a 5 foot sidewalk, and 5 foot planting strip. Since it will not be feasible to build a fence on the slope so the landscape planting strip will be a bit wider on the slope, approximately 7 - 8 feet. Where the slope is encountered, the ground cover that is already approved, will continue.

The trees will be planted as shown on the approved plan also. On advice from the City Arborist, Mr. Wheeler asked that Mr. Watson select a different street tree instead of the Cleveland Norway Maple from the recommended street tree list. Mr. Watson said he would work with the City on this issue and take the City's suggestion to his landscape architect.

Mr. Watson discussed the grade between his property and the apartments since the sewer was installed in S.E. 3rd and Pine, which resulted in cutting and filling to bring the site up. To the north, where Canby Manor is, Pine Crossing is about 2-3 feet higher. To the south, the 2-story apartments about 15 feet from the property line, sit on 4-1/2 foot pads. After showing photographs of the grade change, Mr. Watson requested approval to plant an arborvitae hedge behind the chain link fence, which screening will be kept trimmed at 7 - 8 feet. Further, Mr. Watson explained that the wood fence in the front would remain, and that approximately 25 brick columns have been added to enhance the look. All the residents of Canby Manor have been contacted and told that the a wood fence was approved, but that he would prefer a chain link fence with an arborvitae hedge behind it. There was only one exception to his suggestion, nor was there any from Ron Burge, owner of

Marlon Apartments to the south. Mr. Watson explained that arborvitae would not grow well behind a wooden fence due to the lack of light. Further, a chain link fence requires less maintenance and provides more security, he added. Although not required, an irrigation system will be installed, to maintain the arborvitae.

The Commission discussed the proposal and agreed that the fence on top of the slope and the trees halfway up the slope was a reasonable proposal. The change from the wooden fence to the chain link fence with arborvitae was approved, as long as the arborvitae would reach its mature height within three years.

The proposal was approved unanimously.

VII. COMMISSION DISCUSSION OF PLANNING ISSUE

The Commission delayed the discussion until later, due to a heavy agenda.

VIII. PUBLIC HEARINGS

MLP 94-04, an application by Melvin L. Dorson for approval to partition a 24,375 square foot parcel 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). **Continued from July 11, 1994.**

Chairwoman Mihata asked if any Commissioner had ex-parte contact or conflict-of-interest since the last hearing. None was indicated. She then reviewed the hearing process and procedures and applicable criteria.

Mr. Hoffman reminded the Commission that the issue was whether adequate side yards, to meet the ordinance, would be secured on the existing lot and still have a wide enough new lot, to meet the ordinance. It was discovered that the fence on the western portion was built into Johnson Control's property. The result was that only about 3 feet remained between the property line and the house. After reviewing many alternatives, Mr. Dorson decided to remove a portion of the existing house where an addition was added, to meet the 10 foot side yard. Staff is recommending the addition of a condition that prior to the final partition plat, staff will determine whether the modification to the existing home has provided the minimum 10 foot side yard on the westerly portion of the house.

Applicant

Melvin Dorson, 784 NW 3rd stated that the addition was built in the 1930's and that it would cost too much to bring it up to present Code. As he was just made aware that the fence did not sit on his property line, in order to obtain the proper setbacks, the addition will be removed.

Commissioner Maher moved to approve MLP 94-04 and the Final Order, which includes a Condition #9 determining that the modification provides the proper setback. Commissioner Gustafson seconded the motion and it carried unanimously, with Commissioner Wiegand abstaining.

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, 6501 of Tax Map 3-1E-33CC). **Carried over from June 27, 1994 and July 11, 1994.**

Chairwoman Mihata asked if any Commissioner had ex-parte contact or conflict-of-interest since the last hearing. None was indicated. She then reviewed the hearing process and procedures and applicable criteria.

Jim Wheeler explained that there has been no new information since the last hearing. He reviewed the recommended conditions of approval, explaining that the original staff-recommended condition #1 is no longer necessary, but should be replaced with wording, to the effect that, the owner of the card lock facility is responsible for the maintenance of the landscaping in the landscape easement. Further, an additional handicapped parking space will be necessary for Dairy Queen, with the expansion of parking, but it can either be in the existing lot, or in the back easement. If the handicapped space is in the back easement, a concrete walkway between the new parking spaces and Dairy Queen will be necessary. If it is in the north parking area, a gravel, hard surface, stepping stones, etc., will be sufficient for the connection. The additional 2 feet of landscaping on the north side of Dairy Queen will no longer be necessary. Two sets of findings were distributed for the Commission's consideration, one that included a hedge in the parking area, and one without the hedge included. Additionally, Mr. Wheeler explained that Mr. Baldwin appeared before the Council, requesting City initiation for a zone change of his property, which request was refused.

Applicant

Dave Kimmel, 122 SE 27th Avenue, Portland 97214 explained that Dairy Queen decided to put the second handicapped parking space in the existing lot off Highway 99-E. A hedge, he explained would not serve as security for employees. Because employees would be leaving at a predetermined time, there wouldn't be constant shining of headlights from the new parking area into the building.

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

1. The issue of the hedge as a buffer, and the resistance of the building community to such buffering. Also, the Commission discussed the fact that the new parking area faces an already existing parking area. The Commission agreed a hedge was not necessary.
2. Mr. Baldwin's testimony in opposition in that it addressed the zoning issue rather than the design review application.
3. The issue of traffic flow with regard to large trucks and the fact that they would most likely be traveling toward Elm Street, which is a signalized intersection. The Commission agreed staff should encourage the Traffic Safety Committee to study the Birch/99-E intersection with regard to signalization due to heavy truck and school bus traffic. Mr. Hoffman explained this specific concern could be added to the 99-E Traffic Study, but that ODOT is resisting the installation of traffic signals at various intersections, which the City deems very important, at the present time, adding that a traffic signal at Birch appears very unlikely.
4. The difference between a gas station and card lock facility which does not have attendants on hand.

Based on the findings and conclusions contained in the staff report dated June 17, 1994, on testimony at the hearing and on Commission deliberations, **Commissioner Elliot moved for approval of DR 94-08 with the following conditions:**

1. The owner of the development shall be responsible for maintenance of the landscaping in the landscape easement to the north of the subject parcel.
2. Storm water design and construction of the paved area of the property shall be approved by the Canby Public Works Department.
3. The design and construction of the curb and sidewalk improvements for S.W. 2nd Avenue shall be approved by the Public Works Supervisor.

4. Curbs and wheel stops shall be placed between the parking/vehicle maneuvering areas and the landscaped areas.
5. At least one parking space shall be handicapped parking space, and it shall be "van accessible." The handicapped parking spaces shall be striped and constructed to meet the State of Oregon Structural Specialty Code. The handicapped parking space may be provided within the current Dairy Queen parking lot.
6. If a handicapped parking space is provided in the new parking lot, then a concrete walkway shall connect the handicapped parking space access aisle with the existing Dairy Queen parking lot to the north. The walkway shall be five feet wide and shall comply with the State of Oregon Structural Specialty Code. If an additional handicapped parking space is provide in the existing Dairy Queen parking lot, then a walkway (gravel, hard-surfaced, or stepping-stones) shall connect the new parking lot area with the current Dairy Queen parking lot.
7. 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.
8. 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.
9. A mutual access easement shall be recorded with the County. The easement shall be between Tax lots 6400 and 6500 of Tax Map 3-1E-33CC, and shall cover the joint access at the mutual property line. The easement shall be recorded prior to the final inspection for the development.

Commissioner Ewert seconded the motion and it carried 5-0, with Commissioner Wiegand abstaining.

VIII. DIRECTOR'S REPORT

Mr. Wheeler referred to the memo regarding, and list of street trees, which he discussed. He explained that staff needed a recommendation from the Commission to bring the list before the City Council. Commissioner Gustafson moved to bring the list before the Council. Commissioner Ewert seconded the list and it carried 6-0.

Mr. Hoffman explained that the Council remanded SUB 94-02 [Country Club Estates #4] back to the Planning Commission. It is scheduled for the August 22, 1994 meeting.

Mr. Hoffman explained, with regard to the Guttormsen property [mini-storage], ODOT and the applicant (Kevin Howard) have come to an agreement regarding access. Highway 99-E would have a right-turn-only exit and entrance, and to return to downtown Canby, there would be an exit access to 2nd Avenue. The City has a reserve plug on 2nd Avenue, the applicant has submitted a letter to City Council requesting dedicaton of the 1 foot reserve plug to open access to 2nd Avenue.

Regarding Northwoods, Mr. Hoffman explained that LUBA remanded it back to the City Council. No decision has been made yet about how to handle it. No action would be analogous to a denial.

The Commission was reminded of a joint meeting scheduled for August 17, 1994 to discuss the Transportation Plan.

Landscaping at the new Chevron station was discussed. Mr. Wheeler explained that the landscaper skimped on the seed and weeds are taking over. The difficulties inherent in enforcing the condition regarding landscaping would probably not be sanctioned by the City. It was agreed a letter would be sent addressing this issue.

IX. ADJOURNMENT

The meeting was adjourned at 9:45 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Joyce A. Faltus".

Joyce A. Faltus