

APPROVED

MINUTES
CANBY PLANNING COMMISSION
REGULAR MEETING
JANUARY 23, 1995
7:30 P.M.

I. ROLL CALL

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

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

Others Present: Ed Stelle, Ron Berg, Steve Sather, Derek and Pat Hills, DonnaJean and John McManamon, Belva Clark, Bob Westcott, Brad Gerber, Gertrude Thompson, Wayne Scott, Christine Kloser, Joan Jones, Paul DuPont, Patrick Harmon, Neal Keefer, Carla Sather.

II. MINUTES

The minutes of December 12, 1994 were approved as submitted.

III. CITIZEN INPUT ON NON-AGENDA ITEMS

None

IV. COMMUNICATIONS

None

V. OLD BUSINESS

None

VI. NEW BUSINESS

With regard to the Wildflower Properties 4-unit complex on S.W. 3rd Avenue, Mr. Wheeler explained that, evidently, a complaint was forwarded to the City with respect to the 6 foot fence that extends to the property line. A 20 foot front line setback is generally applied to fences. The fence in question was built in accordance with an agreement between the neighbor to the north of the parcel and the owner/manager of the parcel. When the question of enforcement arose, the matter went before the municipal judge, who asked for Planning Commission interpretation. Since front yard setbacks are not generally applied to flag lots and fences are required to be only 3-1/2 feet high in a front yard setback - the question is whether the fence height would apply, especially in light of the fact that the Commission heard the request for the fence and approved it. In other words-- is there a front yard setback from 3rd Avenue along a flag lot access drive.

As the manager of the units was not available to appear before the Commission, a letter authorizing Ed Stelle to represent him, was submitted to the Commission.

City Attorney, John Kelley, explained that the reason this has become an issue is because the fence extends all the way to the sidewalk at a height of 6 feet, so that the end of the fence and the sidewalk meet. A car leaving the driveway is obscured from the street and sidewalk due to the height of the fence. The judge, he explained, could not determine if a variance is necessary, until the Commission renders an interpretation.

Ed Stelle, 189 S.W. 3rd explained that his property sits in front of the flag lot in question. Mr. Stelle explained that the Code Enforcement Officer said a complaint was lodged by Ron Berg, which Mr. Berg denies. In fact, Mr. Stelle added, Mr. Berg shared the cost of extending the 6 foot fence to separates his property from the 4-plex also. The original request for the 6 foot fence, by both he and Mr. Berg, was to insure privacy and lack of intrusion by headlights through their windows. Mr. Stelle stated that he would voluntarily remove the first section of the fence in order to provide better vision clearance where the fence and sidewalk meet. The Commission agreed this was to be decided between the owner/manager and Mr. Stelle.

The Commission agreed that at the time of the hearing, it was not considered a front yard and the Commission did intend for the 6 foot fence to go all the way out to the street. A determination was made that unless otherwise stated, flag lots do not have front yard setbacks, but in the future, all fences built into that area must meet vision clearance requirements. Mr. Kelley said he would bring this interpretation to the judge.

VII. FINDINGS

CUP 94-05/ DR 94-14/ LLA 94-08 - Fred A. Kahut. Commission review of draft findings included the following significant amendments:

1. The Commission agreed to change the statement, . . ."the applicant embarked on a **comprehensive** public outreach program" to "**energetic**" outreach program.
2. The Commission agreed that, rather than **solving** traffic impacts and concerns, a traffic signal at the intersection of S. Pine and Highway 99-E and improvements to S. Township would "address" the impacts and concerns.
3. As no plans for a traffic by-pass along Berg Parkway, through the applicant's present facility, is underway, the Commission found that the proposed relocation **may** increase the chances for the by-pass, rather than ensuring it "**will**" increase those chances.
4. Regarding the reduced number of parking spaces, the Commission agreed that because this is not a standard warehouse type of use, and because the number of employees would generate a lesser parking need than the ordinance requires, that the applicant's proposed parking spaces would be sufficient.
5. The Commission agreed to combine proposed conditions #16 and 42, leaving #42 blank, referring to #16.
6. The Commission agreed that all traffic impact concerns would not be "**solved**" with the installation of a traffic signal at S. Pine and Highway 99-E, or with the improvements to Township Road but, instead, would be "**addressed**."
7. The Commission agreed that by relocating this use, the City's chances to have a traffic bypass along Berg Parkway "**may**" be increased, rather than stating this as a fact, as no plans are in the offing just now.
8. The Commission agreed that, in discussing the traffic routing, wording should include trips **to and from** the site, being routed via Redwood Street.

9. Among key things that were important to mitigate the development of this facility, with regard to the surrounding area, the Commission agreed that the litter patrol, and a fence to ensure childrens' safety should be included.
10. The Commission discussed the fact that proposed condition #16 satisfies Clackamas County's concerns about storage of recyclables.
11. The Commission discussed the importance of keeping all documentation of wastewater testing that is done on-site.
12. The Commission noted, for the record, that the extension of 12 inch water line installed along S.E. 4th Avenue, for the full length of the property ownership to the railroad, shall be paid for by the applicant.
13. The Commission discussed the cost of the 12 inch proposed sewer trunk from Redwood, which will extend the full width of the applicant's lot. Mr. Hoffman explained that since the line will serve a bigger area than just the applicant's lot, the applicant intends to put it in and apply for reimbursement as additional users take advantage of it.
14. The Commission discussed its concern that residents within the Canby franchise area should not use the site for a private garbage dump, and that other companies do not take advantage of the site for their own use.
15. The Commission discussed site violations with regard to enforcement. It was agreed that wording would be added to proposed condition #40 that all violations of the conditions of approval, or noncompliance with the conditions, would be considered violations of the conditional use permit. Mr. Hoffman discussed the provisions of Section 16.88.090(B) and 16.88.120, and 16.88.110, which cover Council action on noncompliance, penalties and civil remedies, and enforcement procedures.
16. The Commission discussed the landscape plan and agreed the irrigation system should be specified as being *underground*.
17. The Commission discussed maintenance of the paved surfaces and agreed to add wording to proposed condition #46, that the paved surfaces would be maintained at the levels designed for construction.

18. The Commission discussed conditioning the approval of this application on the applicant's vacating the existing site. John Kelley, City Attorney, explained that this application cannot legally be conditioned upon the vacation of the existing site. The Commission agreed that City Council should be made aware that the applicant states the present site would be vacated when this one is operational, and that it is the Commission's intent that he does so.

Commissioner Maher moved to approve the final order for CUP 94-05/ DR 94-14/ LLA 94-08 with the following conditions, as amended:

1. Full curbs, sidewalks and paving is required for Township Road and the new 4th Avenue. Paving of 4th Avenue shall be a full-width and for the full length of the ownership parcel. Township Road shall be repaved for a half-street width designed to City standards as determined by the Public Works Supervisor and shall also be approved by Clackamas County Transportation and Development Department.
2. Prior to occupancy, a "Spill Response Plan" for wastewater and stormwater shall be reviewed and approved by the City of Canby Pretreatment Coordinator.
3. At least 180 days prior to occupancy, a local wastewater disposal permit shall be acquired from the City's Pretreatment Coordinator, including a plan for disposal of wastewater in excess of local discharge limits. Testing and documentation of testing shall be kept by City staff.
4. The building permit and operations shall be in full compliance with 40 CFR, Parts 122 and 403 and RCRA/DEQ Solid Waste Regulations. A DEQ Solid Waste Permit shall be secured prior to occupancy and a copy of the approved permit shall be given to the Canby Planning Director.
5. In compliance with Code Section 16.88.090, significant noncompliance of conditions of approval, including local limits or conditions set forth in the Wastewater Discharge Permit, will result in revocation for noncompliance of the Conditional Use Permit. In terms of wastewater, significant noncompliance is as defined in the Wastewater Discharge Permit and 40 CFR, Part 403.
6. A 12" water line shall be installed along S.E. 4th Avenue for the full length of the property ownership to the railroad, as approved by the Canby Utility Board.

7. The proposed biofiltration swales shall be redesigned with the addition of drywell disposal. Swales used for any pretreated stormwater runoff shall be no more than ½" to 1" deep, and a minimum of 100 feet in length or as approved by the City of Canby contract engineer and Public Works Supervisor.
8. The 12" proposed sewer trunk from Redwood shall extend the full width of Tax Lot 1805 within S.E. 4th Avenue right-of-way, or as approved by the Public Works Supervisor.
9. Extension of electric and water infrastructure shall be provided, designed, and installed to Canby Utility Board specifications and practices, and at the developer's expense.
10. A preconstruction meeting with City staff, the Fire Marshal, the Canby Utility Board, Canby Telephone Association, and Northwest Natural Gas representatives shall be held, coordinated by the Planning Department, and all issues resolved prior to construction. The Trost Elementary School "Local School Committee" shall be given opportunity to attend this conference.
11. A detailed Fire Hydrant, Sprinkler System, and Fire Suppression Plan shall be reviewed and approved by the Fire Marshal at time of Building Permit review.
12. The applicant is to receive and continually comply with all required permits of the Oregon Department of Environmental Quality (DEQ), and any other State or federal agencies with regulatory authority over this sort of operation. Copies of such required permits shall be given to the Planning Director prior to approval of the building permit.
13. No private individual will be allowed to utilize the transfer station for unloading personal garbage.
14. As proposed by the applicant, and as illustrated on Drawing A0.3, Landscape Plan, a landscaped berm is to be provided to help minimize visual impacts. Such berm shall be extended so as to entirely encircle the subject site. In addition, the entire site is to be enclosed by a fence. Adequate vision clearance shall be provided at each driveway.
15. Wastewater from restrooms and office plumbing may be drained directly to the City's sanitary sewer system. All other wastewater from garbage handling areas is to be subject to the City's requirements for sewage pretreatment.

16. Recyclables are to include, but are not limited to: glass, metals, corrugated paper, newsprint, and tin cans. The only recyclables to be stored outside in partially filled containers shall be glass and metal. The metals shall not be oil- or grease-coated. Recyclable or recycled oil shall be stored under cover and in a manner so as to protect against spills. The paved surfaces in the storage and processing areas shall include an impervious layer below the hard surface. All processing of waste or recyclables and filling of containers is to take place within the building. Except for the "public recycling" area, as illustrated on Drawing A0.2, and the storage in the yard of partially filled storage containers of recyclables, no storage of garbage or recyclable material is to occur on any surface located outside the building. All parking, loading and maneuvering areas are to be paved of concrete or asphalt. All roads and driveways are to be paved of asphalt or concrete and properly drained. Outdoor areas used for the storage of empty dumpsters, trucks, or empty drop boxes, are to be completely paved and adequately maintained. The partially filled storage containers of recyclables stored in the yard are to be kept covered and shall be leakproof. No grounding of recyclables in the yard is permitted. All processing and loading of storage containers is to occur within the building. Only glass and metals are allowed to be stored outside in partially filled containers.
17. The applicant is to establish and maintain a daily litter clean-up process on the site and along the truck route coming to the site. The clean up shall include the entire roadway length adjacent to the site, S.E. 4th Avenue, between Redwood and the railroad, and S. Redwood, from Township to S.E. 3rd Avenue. If it becomes necessary at any time for the City to conduct a clean-up of the public roadway, the applicant will be given a one (1) day written notice of the City's intention to conduct the clean-up, at the applicant's expense. The applicant is to post a \$1,000 bond, or other surety, to the satisfaction of the City Attorney, strictly for this purpose.
18. The site is not to handle any sewage sludge or septic tank pumpings.
19. The applicant is not to knowingly handle any electrical transformers or hazardous or toxic waste at the site.
20. No burning of any kind is to be permitted at the site.
21. Washdown locations for trucks, trailers, or other equipment are to be drained to the sanitary sewer system after testing and pretreating, if required, as approved by the City Public Works Department and the wastewater management staff.

22. Trucks and trailers hauling garbage to or from the site are to be of leakproof construction, as defined by DEQ.
23. Appropriate procedures are to be taken to eliminate any potential problems from rodents, flies, and birds. The applicant is to comply with any lawful order or requirement of the City, the County, or DEQ for the abatement of any such nuisances.
24. Loads are to be hauled to the landfill as soon as they are full. In no case is garbage to remain on the premises for longer than twenty four (24) hours. The transfer area is to be washed down nightly, or more often, as prescribed by the Canby Industrial Pretreatment Officer. On-site storage of full garbage containers is to be kept to a minimum and not exceed twelve (12) hours of stay on the premises.
25. Normal growth of the Canby Disposal operation in terms of such things as amount hauled, number of employees, and number of trucks, will not be regarded as an expansion of this conditional use, and will not require additional public hearings.
26. Utility easements, water and electric services, and street lighting shall be provided to meet the requirements of the Canby Utility Board and other service-providers.
27. A "STOP" sign constructed to meet City Public Works standards is to be provided at the applicant's expense and installed at the corner of S.E. 4th Avenue and S. Redwood Street.
28. Other than garbage trucks engaged in their normal pick-up activities, no truck traffic is to use S. Redwood or S. Township, beyond the limit of the designated truck route.
29. Before handling any other materials not approved within the DEQ Permit, the applicant is to secure the approval of the Canby Planning Commission, acting on an expansion of this conditional use permit.
30. Since a sign for the property has not been reviewed under these applications [CUP or DR], any separate sign application for the property will not be approved by the City Planner or Building Official until at least six (6) months have elapsed after the issuance of the occupancy permit for the site.

31. Erosion-control during construction shall be provided by following the recommendations of the "Erosion Control Plans Technical Guidance Handbook," as used by Clackamas County, dated August 1991, and as revised.
32. The site is to be inspected at least every two (2) months within the first two years, and every three (3) months for the next year, and every six (6) months thereafter by the City Planner and Building Official. The inspections may be more often, at the discretion of the staff if violations are suspected. The Trost Elementary "Local School Committee" shall be given the opportunity to participate in these inspections with City representatives.
33. The City franchise agreement for the collection of solid waste shall be negotiated between the parties at the earliest practicable time and shall include lack of performance or violations of the conditions under this Conditional Use Permit and Design Review Application as grounds for breach of the franchise agreement. The Planning Commission strongly recommends that the City review the franchise agreement at least annually, especially in relation to land use performance.
34. If the approval by DEQ takes longer than one (1) year from the date of this Conditional Use Permit approval, the time period for revocation, under Section 16.88.090(A) is hereby extended by six (6) months.
35. Street trees, from the City's approved Street Tree List (with spacing as recommended on that list) shall be provided along Township Road, Redwood Street, and S.E. 4th Avenue. "Cleveland" Norway Maples shall be utilized along S. Redwood Street, with approximately 50 foot spacing. Maples shall not be used along S.E. 4th Avenue and Township Road.
36. Occupancy and use of the subject site shall not be permitted and shall not occur until the proposed traffic light at Highway 99-E and Pine Street is operational.
37. If the site should become unsightly due to public abandonment or drop-off of waste or recyclables, the management shall provide a 24-hour attendant. Tickets may be issued to the public, upon complaint. (The City Planner will decide when this becomes a problem requiring an attendant.)

38. Traffic routing for all trucks to and from the subject site shall be ONLY by way of Highway 99-E, S. Pine, S.E. 3rd, S. Redwood, and S.E. 4th Avenue. Enforcement of this routing shall be monitored by the Code Enforcement officer. Code Sections 16.88.090(B), 16.88.110, and 16.88.120, including the payment of all costs and attorney fees per Section 16.88.110(B), may be utilized for enforcement, but not limited to those remedies.
39. The required bioswales shall be regularly tested by a competent Bioswale maintenance expert, approved by the City Planner. A report and recommendations by such expert regarding the inspection shall be submitted to the City Planner. Any problems shall be immediately corrected. Costs shall be borne by the applicant.
40. If solid waste and recyclables are improperly processed and/or stored on the subject site, such events shall be considered violations of this Conditional Use Permit and shall be processed, as appropriate, under provisions of Code Section 16.88.090(B), Revocation for Noncompliance, and/or Section 16.88.110, Penalties and Civil Remedies, and 16.88.120, Enforcement Procedures, including the payment of all costs and attorney fees per 16.88.110(B), but not limited to those remedies. Furthermore, any violation of any condition or noncompliance with any condition shall be considered a violation of the Conditional Use permit and shall be processed under provisions of Code Section 16.88.090(B), Revocation for Noncompliance, and/or Section 16.88.110, Penalties and Civil Remedies, and 16.88.120, Enforcement Procedures, including the payment of all costs and attorney fees per 16.88.110(B), but not limited to those remedies.
41. Tires, batteries, and yard debris are not permitted as solid waste or recyclables at the subject site.
42. *Combined with Condition #16.*
43. All landscaped areas shall be provided with a permanently installed underground irrigation system.
44. A detailed landscape construction 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 size of plants, the schedule for planting, and irrigation plans. The plan shall be reviewed and approved by the City Planner to ensure consistency with the preliminary landscape plan.

45. 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. The plant spacing shall meet the ODOT plant spacing standards.
46. The design and supervision of construction of the paved surfaces used for parking or maneuvering of vehicles, drop boxes, and storage containers shall be performed by a licensed professional engineer and shall be appropriate for the activities planned for each area on the site, and maintained at these appropriate levels.
47. The proposed 24 parking spaces, as illustrated on Drawing A0.1, is approved. If an unanticipated expanded need develops, additional on-site striped parking spaces shall be provided without reduction of landscaped areas.
48. Prior to occupancy, the applicant shall establish with the City an agreed-upon detailed plan and program for regular on-going inspection, testing, and monitoring. This plan and program shall include, but is not limited to the following potential performance concerns: noise, odor, traffic, groundwater contamination, vermin and vectors, debris, hazards, maintenance, smoke, unsightliness, and emergencies. The detailed plan and program shall specify responsibilities and scheduling for each concern.
49. The solid waste transported to and from the subject site shall not originate beyond the current franchise agreement service area, as approved by the City of Canby and/or Clackamas County.

Commissioner Mihata seconded the motion and it carried 4-1, with Commissioner Ewert voting nay, and Commissioner Jackson abstaining.

MLP 94-09 - Bergen

Commissioner Ewert moved to approve the MLP 94-09 Final Order, as amended. Commissioner Gustafson seconded the motion and it carried unanimously.

VI. OLD BUSINESS

None

VII. NEW BUSINESS

None

VIII. PUBLIC HEARINGS

MLP 95-01/DR 95-02, applications by Sprague Controls, Inc. for approval to partition a 9.94 acre parcel into two lots, 5.45 acres and 4.49 acres, respectively. Such partition would allow a proposed manufacturing development to be located on the 4.49 acre parcel and review the specific design of the site and buildings proposed for the site. The site is located within the Logging Road Industrial Park [Tax Lot 1803 of Tax Map 3-1E-34C].

Chairman Schrader asked if any Commissioner had ex-parte contact or conflict of interest. None was indicated, other than visiting the site. He then reviewed the hearing process and procedures and pointed to the criteria that must be addressed.

Mr. Wheeler presented the staff report. The property is located at the northeast corner of S.E. 4th Avenue and S. Redwood Street. Although S.E. 4th is not yet constructed, the right-of-way is already dedicated. This parcel is Lot #1 of SUB 92-01 which was approved in 1992 and was the start of the Logging Road project. The entire site is slightly less than 10 acres and is proposed to be partitioned into two parcels, a 5.45 acre parcel and a 4.49 acre parcel. The applicant is proposing to construct a 45,000 square foot building on the southern parcel, the 4.49 acre site. The building is proposed to be 31,500 square feet of manufacturing/warehousing space, and 27,000 square feet of office space. Half of the office space is proposed for the first floor and will be used upon construction; the half on the second floor is proposed for future expansion of the business.

Access will be taken from Redwood Street and with the construction of SE 4th Avenue, access will be provided onto the Logging Road for emergency vehicles. There is 375 feet of frontage on Redwood and 638 feet of frontage on S.E. 4th Avenue. Truck traffic will be routed via 4th Avenue and will have a separate entrance. As the site will benefit from the Logging Road Industrial Project, the partition must be completed and filed with the County within one

year from the approval, in order for only the portion being developed to be assessed the reimbursement charge for the advanced financed public improvements for S. Redwood, as opposed to the entire site being assessed. The principal assessment for the entire site is \$28,449.20, and for the 4.49 acres, is \$12,850.80.

The landscaping requirement for the parcel being developed is 15%. The applicant proposes to landscape 48.3% of the entire site, although 50,000 square feet of the area will be expanded into in the future. After expansion, 22.7% of the total area will remain landscaped. With the exception of the expansion area, automatic underground irrigation will be installed. Ninety-four parking spaces are proposed with the current development, although 79 are required at this time. After expansion, total parking for the expanded use will be 144 spaces, although only 126 would be required. The proposed parking will include 4 handicap parking spaces, with one being van-accessible, which will have to be 2 feet wider than the proposed 6 feet. Two loading berths are required and 4 are proposed, but the width of the proposed berth area must be expanded by 2 feet to comply with standards. The building, including the roof, will be metal for the manufacturing/warehousing portion, and decorative concrete split block for the office portion. The color scheme will be blue and grey. Two free-standing signs are proposed, one at the corner of S. Redwood and S.E. 4th; the other at the S. Redwood Street entrance to the parking lot. Both will cover a total of 120 square feet, 480 square feet less than the standard permits. All services are, or can be, provided and, to coordinate efforts for construction activity, a pre-construction conference will be held.

Mr. Wheeler discussed the parking lot landscaping, emphasizing that certain trees at the truck entrance on Redwood be situated differently from the plan so as not to remove one when the expansion occurs. Landscape plantings, ground cover and shrubs, must be such that after three years, 95% of the area must be covered. Shrub plantings must be planted according to ODOT's standards for plant spacing and starting size standards. Staff recommends approval of both applications, with conditions attached to both.

Applicant

Neal Keefer, 4025 N.E. Court St., Portland, General Manager for Sprague Controls, explained that the applicant is the manufacturer of auto parts (heater and air conditioning controls and pneumatic air valves and cylinders for heavy trucks). They are currently located in north Marion County where they are at maximum size on the site. Sales have tripled in the last three years, he added, and the company requires more operating space due to the growth. The proposed facility is nearly 4 times the size of the current facility, and the

applicant does not anticipate using the future expansion area for approximately 3-5 years. The applicant anticipates the addition of approximately 40 jobs in the next three years, due to the expansion. Canby was chosen because of its positive business climate and good in-place infrastructure. There will be six truck trips daily, and the operation meets all EPA sound level requirements for the interior of the plant, although one area that is somewhat noisy does require wearing of hearing protection. The outside noise level is the same as a truck driving in and out, he stated. It will be necessary to load and unload one trailer truck daily, Mr. Keefer added. The recycling area just received a stormwater discharge exemption because of the nicely done recycling program and excellent management of hazardous materials on-site. The recycling area, which is behind a planted area and, therefore, not easily viewable from the street, would have painted red metal bins with black plastic covers and is kept very neat. The applicant proposes to extend the roof line over that area, he added. Aluminum chips are recycled, as is cardboard and office paper and, occasionally, steel scraps. No hazardous waste is discharged, and the only chemical that could be discharged would be a water soluble non-toxic fluid which is vegetable oil based and can safely go into the septic system. Regarding truck traffic, Mr. Keefer explained that most of the products are quite small, so one truck load of supplies loaded and unloaded daily, and a few delivery trucks are more than ample, and they depend on commercial carriers rather than company-owned trucks.

Commission Deliberations

1. The Commission discussed the park parking, as it is proposed, and agreed it is sufficient to meet the parking demands that will be created by the proposed development. The Commission further agreed that it is not appropriate to include the "future expansion" office area in the parking lot requirement calculations.
2. Regarding the existing on-site conifers, Mr. Wheeler explained that they will be relocated more to the perimeter.
3. The Commission discussed improvements on 4th Avenue. Mr. Wheeler explained that 4th Avenue will be constructed as part of the OEDD/Redwood Street improvement, which had excess funds and the State authorized the use of the excess funds. Therefore, it will be a part of what has already been advanced financed and constructed.

Based on the findings and conclusions contained in the staff report dated January 13, 1995, on testimony at the hearing, and on Commission deliberations, **Commissioner Mihata moved to approve DR 95-02 with the following conditions:**

Prior to the Building Permit Application :

1. A preconstruction conference shall be held prior to the issuance of the building permit. The conference shall be coordinated through the Planning Office.

For the Building Permit Application:

2. A "Data Disclosure Form" for the industrial pretreatment program regarding disposal of wastewater to the City's sewer system shall be completed prior to occupancy.
3. 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 size of plants, the schedule of planting, and irrigation plans.
4. 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. The plant spacing shall meet the ODOT plant spacing standards.
5. The 'Blireiana' Plum trees shall be planted a minimum of 25' on center. The plum tree that is immediately east of the truck entrance shall be removed and the southernmost 'Raywood' Ash tree shall be located so that it is a minimum of 4' south of the future expansion parking lot entrance drive's southern edge, as shown on the landscape plan.
6. One of the handicap parking access aisles shall be eight (8) feet wide.
7. The loading berth area shall be widened by two (2) feet, to a minimum total width of 48 feet.

Prior to Occupancy:

8. The "junk" located on the subject property shall be removed from the property prior to occupancy.
9. Storm water design and construction of the paved area of the property shall conform to the Canby Public Works Department standards.

10. Signage shall be provided to direct truck traffic to the designated truck entrance on S.E. 4th Avenue.
11. The bike rack area shall have a ramp from the parking lot area entrance, as shown on the landscape plan.
12. The compact parking spaces shall be designated as such either by signs posted at the head of the parking spaces, or by paint on the asphalt at the foot of the parking space.

Other Notes:

13. The total signage area shall not cover more than 600 square feet, not inclusive of traffic directional signs as provided in Section 16.40 of the Land Development and Planning Code. Only the signs located at the intersection of S. Redwood Street and S.E. 4th Avenue and at the entrance to the S. Redwood Street parking lot entrance are approved at this time. No other advertising signs are permitted until six months beyond the occupancy has occurred.
14. The payment of the advanced financing reimbursement charge shall be for the 4.49 acres provided that the associated Minor Land Partition (MLP 95-01) is filed with Clackamas County within one (1) year's time from the approval of the partition.
15. It is understood that S.E. 4th Avenue will be constructed prior to occupancy of the building.

Commissioner Maher seconded the motion and it carried 6-0.

Based on the findings and conclusions contained in the staff report dated January 13, 1995, on testimony at the hearing, and on Commission deliberations, **Commissioner Maher moved to approve MLP 95-01 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. MLP 95-01.

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 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. The "junk" located on the subject property shall be removed from the property prior to the signing of the plat.

Commissioner Ewert seconded the motion and it carried 6-0.

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DR 95-01, an application by A. Wayne Scott for Design Review approval of a proposed professional center at the Highway Marketplace. The site is located in the shopping center located on the south side of Highway 99-E, between S. Ivy and S. Grant Streets [Tax Lots 7600, 7700, 8400 and 8500 of Tax Map 3-1E-33CD].

Chairman Schrader asked if any Commissioner had ex-parte contact or conflict of interest. None was indicated. He then referred to the hearing process and procedures which was previously read, and referred to the applicable criteria.

Mr. Wheeler presented the staff report. He explained that the parcel is located in the Highway Marketplace on Highway 99-E. Main access to the marketplace is from Tax Lot 8400 on Highway 99-E; Tax Lot 7600, which is off S.W. 2nd Avenue is mainly vacant; the existing building that is closest to S.W. 2nd is situated on Tax Lot 7700, and is the building the applicant proposes to renovate. Additionally, the applicant proposes to construct two new single story buildings next to the renovated structure. There are 83 parking spaces for the complex as it exists now, and the applicant proposes 10 additional spaces. A van-accessible handicap parking space is required and is proposed by the applicant. Primary access for the existing and proposed buildings on Tax Lot 7700 will be from access drives from S.W. 2nd Avenue located on Tax Lots 7600 and 8400. The tax lots will either need to be combined or easements for the use of the access points will be needed. ODOT's review of access onto Highway 99-E will be required because ODOT views this proposal as a change in use. A service alley is proposed behind the buildings, without a turnaround, with which the Fire Marshal finds no problem. He then reviewed the architecture of the new buildings. There will be no free-standing signs and, instead, there will be wall-mounted signs identifying the tenants, which will be internally illuminated. Service-providers have been notified and no problems have been found in servicing this proposal. A pre-construction conference to coordinate efforts will be necessary. The applicant has proposed landscaping that is courtyard style, between the buildings, in a brick enclosed planter area, approximately 8 feet wide. Some changes from the proposed landscaping plan will be necessary, in order to meet ODOT plant spacing standards. Due to overhead wires, the Capital Pear trees will not be planted. Instead, the applicant will plant trees from Portland General Electric's "A Guide to Selecting Street Trees." Furthermore, the City's street tree spacing requirements must be met. The proposal for parking lot landscaping was reviewed. Mr. Wheeler explained that a second tree within the parking/maneuvering area is required and, next to the access entrance area on 2nd Avenue, there is space for that additional tree. Staff recommends approval with conditions.

Applicant

Scott Beck, 361 N.E. Third Avenue, stated that the zone allows a zero lot line setback, which would allow for construction up to the easterly property line. Instead of building to the property line, the applicant is proposing a firewall with a parapet which will extend above the roof line. Mr. Beck then reviewed

the landscaping, stressing the courtyard would be a pleasant place for employees to eat lunch, take breaks, etc. Visually, it would be a pleasant way to break up the monotony of development, he added. A 15' strip of landscaping is provided along 2nd Avenue and the landscaping also extends out in front of the center building.

Commission Deliberations

1. Regarding the bowling alley, the Commission asked if there is separate parking provided or if there is a reciprocal agreement for parking. Mr. Wheeler explained that he was unaware of any reciprocal agreement, and that the parking was very limited. When calculating the parking for the entire Marketplace, the bowling alley parking was not taken into consideration. Some parking for the buildings on Tax Lot 7700 will be located on Tax Lot 7600. The applicant is considering a lot line adjustment to expand Tax Lot 7700 to include the parking and part of the drive.
2. The Commission discussed ODOT's access requirements. Mr. Beck explained that there is an existing access permit for the site. When the marketplace was redeveloped recently, the applicant closed one access then. The project does have access via Highway 99-E, but a good portion of access could be taken from S.W. 2nd Avenue. ODOT was not initially contacted, he explained, because the access already exists.
3. Regarding parking, the Commission discussed the relevancy of the bowling alley's parking needs, especially during morning leagues. *Mr. Scott* explained that he does not own the Canby Bowl's property. That site was approved with approximately 15 parking spaces for a 15,000 square foot building, and they have shared Mr. Scott's parking spaces. Several improvements have been made to the bowling alley building, and parking was never addressed at that time when they applied for building permits. Mr. Hoffman explained that the parking requirements for a bowling alley is 5 spaces per alley and since there are 12 alleys, 60 spaces would be required. Further, Mr. Scott explained that if he built a building facing Highway 99-E on that part of his property, the bowling alley would have no parking. Mr. Scott did not feel he should be held accountable for the bowling alley's parking problems. Commissioner Maher expressed her concern that the bowling alley's parking needs must be calculated into the issue of parking spaces and whether or not parking for the entire marketplace would meet Code. Mr. Hoffman explained that if the bowling alley is using excess parking illegally, it could be considered adverse possession. Mr. Scott

explained that such a notion was challenged and the bowling alley lost. Under those circumstances, Mr. Hoffman explained that Mr. Scott's proposal on his own property must only account for the parking that his own buildings require. Mr. Wheeler explained that he spoke with ODOT and that they are not looking at closing the 2nd Avenue access, but the possibility exists that they might consider making it a 'right-turn-in, right-turn-out only' access, even though the City has not required it.

3. Regarding proposed condition #2, Mr. Scott explained that he does not want to combine Tax Lots #7600, 7700, 8400, and 8500. Mr. Wheeler explained that it would make easements unnecessary and would make paper trails easier. The City does not have the authority to force the issue, he added.

Based on the findings and conclusions contained in the staff report dated January 13, 1995, on testimony at the hearing, and on Commission deliberations, **Commissioner Ewert moved to approve DR 95-01 with the following conditions:**

1. Approval of the driveway access to State Highway 99-E for Highway Marketplace shall be obtained from the Oregon Department of Transportation, prior to the issuance of the building permit.
2. It is strongly recommended that the four tax lots be combined prior to the issuance of the building permit. **If the four tax lots (7600, 7700, 8400, and 8500 of Tax Map 3-1E-33CD) are not combined, easements for access and parking shall be filed with the County for all four tax lots prior to the issuance of a building permit.**
3. A preconstruction conference shall be held prior to the issuance of the building permit. The conference shall be coordinated through the Planning Office.
4. Storm water design and construction of the paved area of the property shall conform to the Canby Public Works Department standards.
5. 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 size of plants, the schedule of planting, and irrigation plans.

6. 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. The plant spacing shall meet the ODOT plant spacing standards. The trees along S.W. 2nd Avenue shall be selected from Portland General Electric's "A Guide to Selecting Street Trees" and shall meet the City's street tree spacing requirements.
7. A mutual access and parking easement shall be recorded with the County for Tax Lots 7600, 7700, 8400, and 8500 of Tax Map 3-1E-33CD for all parking spaces and all access points onto S.W. 2nd Avenue and Highway 99-E.
8. The uses in the south and middle buildings shall be limited to a total aggregate signage area of 100 square feet per building. The uses in the existing north building shall be limited to a total aggregate signage area of 150 square feet per building. The individual uses allocation of signage area shall be measured as a percentage of the size of the individual uses in relation to the size of the building.
9. The compact parking spaces shall be designated as such either by signs posted at the head of the parking spaces, or by paint on the asphalt at the foot of the parking space.

Commissioner Gustafson seconded the motion and it carried 5-1, with Commissioner Maher voting nay due to the parking issue with the bowling alley.

DR 95-03, an application by Paul and Susan DuPont for Design Review approval of a warehouse and office to be added to an existing facility. The site is located at the southwest corner of N.W. 5th Place, west of N. Baker Drive [Tax Lots 900, 1000 and 1300(part) of Tax Map 3-1E-32DC].

Chairman Schrader asked if any Commissioner had ex-parte contact or conflict of interest. None was indicated. He reviewed the hearing process and procedures that were earlier explained, as well as the applicable criteria.

Mr. Hoffman presented the staff report. He explained that the lot is located on the west end of N.W. 5th place, and is the end lot in the Baker Drive Industrial Park. The applicant wants to expand the existing warehouse and relocate the

existing office. The existing building is 12,000 square feet, and the proposed addition is 7,500 square feet. The area is zoned light industrial and the intended use is industrial. A floodplain lies immediately to the west, and down the hill, and is owned by the City of Canby. At the City's request, the applicant has submitted a redesigned proposal as the original application that was submitted did not provide for the 60 foot loading space that is required for a development of this size, which now proposes the loading space at the back end of the building. In this manner, large trucks will not stick out into the street, as occasionally happens with the existing building. Of the entire site, 11,000 square feet will be newly developed. The 15% landscaping proposed is based on the newly developed space, and the applicant is proposing to reconstruct parking spaces in front of the present building and provide landscaped space between them, which amounts to approximately 20% new landscaping, 5% more than required. Applying the present standards to the existing warehouse and to the expansion area, 22 parking spaces would be required; the applicant proposes a total of 15 spaces for the total complex. To justify the number of spaces, the applicant explained that there are 11 employees and one in the office, and the number of parking spaces are, therefore, more than adequate. Mr. Hoffman explained that he has visited the site many times and has never seen all the parking spaces used, especially as the employees tend to park in the street. Design Review, he stated, does permit the Commission to either increase or decrease the required amount of parking. If the Commission does not decrease the required parking, it appears the only way to increase the parking would be to reduce the size of the proposed addition. In order to accommodate the revision, Mr. Hoffman explained, two parking spaces were lost. Mr. Hoffman then discussed the architecture, stating that although the applicant has not described the colors, it appears reasonable that the applicant will make it compatible with the existing building. No sign is proposed. Nine trees are proposed, which is the amount required - 1 tree per 40 lineal foot of parking area. Staff recommends approval of the application with conditions.

Applicant

Paul DuPont, 1112 Knights Bridge Road apologized for the drawings. He explained that he was trying to meet the City requirements. With regard to parking, Mr. DuPont stated that he tried to situate the parking to facilitate enough space, but ran into difficulty when he realized backing out into the street was not permitted. It was his understanding that when the development was originally constructed, the same restrictions did not exist. Further, he explained that he has spoken with Bob Westcott, who might agree to permit him to use some of his space for parking. Mr. DuPont explained that he manufactured plastic parts and needs the additional warehouse space to store

recyclable plastic that goes back into the process, especially because, at times, the outside area has become messy. With the additional space for warehousing, the site would be more compatible with the neighborhood, as all recyclable materials would be stored inside, he added. The additional warehousing space would not require additional employees, Mr. DuPont explained. The property was purchased to enlarge the warehouse to the proposed size, and when it was originally purchased it was not designed to facilitate all the landscaping or additional design review requirements.

Proponents

Bob Westcott, 1073 N. Grant explained that the development is 15 years old and that a lot has changed since the industrial park was originally constructed. At that time, although there was no landscaping requirements, some planting was done. There was in excess of 30 parking spaces on each side of the street, for the original 12 lots. Since then, streets have been built which are all 4 feet wider than what the Commission approved at that time. It was an error in the actual construction of the streets and the City, who was the general contractor on the job, did not catch the error. Afterwards, based on the remaining space, landscaping was planted, and parking spaces added accordingly. At the present time there is no parking problem, especially as it is only a 1-block long street, and the only cul-de-sac that allows for tractor-trailer turnaround in the entire Johnson Controls area, without a backing motion. The traffic on this street also serves Potters and Johnson Controls, as the trucks enter this street to turn around. The lot at the end of the street was graveled for a past tenant who had a lot of employees. It is the nature of an industrial park that tenants change and the number of employees per square foot changes dramatically each time that change takes place. At the present time, Mr. Westcott stated, he could easily share some of his parking area with Mr. DuPont, or Mr. DuPont might use the area at the end which is presently undeveloped. To equate the number of spaces to the number of employees is very difficult, especially in light of shift work that could, conceivably, occur. He pointed out that parking in an industrial area is very different from a residential area, in that there does not have to be one space per employee under all circumstances. Mr. Westcott referred to the sidewalk access and explained that a sidewalk could not be constructed adjacent to the street due to the transformers that exist all the way along the street. When industrial parks were first conceived, sidewalks were not considered necessary due to the amount of truck traffic and the fact that trucks are often left outside, which would make off-street parking difficult for them.

Commission Deliberation

1. The Commission discussed on-street parking. Mr. Hoffman explained that although on-street parking was available, according to the ordinance, it was not allowed to be counted toward meeting the standards.
2. The Commission discussed landscaping and agreed that the landscape plan the applicant submitted was inadequate in quality. The Commission encouraged staff to advise future applicants that a more detailed landscape plan would be required.
3. The Commission questioned whether a loading dock was proposed. Mr. Hoffman said that although it was not shown on the drawing, it would be required.
4. The Commission discussed the number of employees and whether it would be prudent to condition the growth by limiting the number of employees. Mr. DuPont stated that it would be limiting his business's future growth options especially because there is surrounding property he could purchase for future development, if necessary.
5. The Commission discussed the issue of sidewalks, which is required by ordinance. Mr. Westcott explained that what was shown on the drawing was street right-of-way, not sidewalks, and a 2-foot rolled top curb was also shown. Mr. Westcott further explained that after the streets were built too wide there wasn't even enough room to set water meters, so they had to be set sideways. The Commission agreed that the hearing should be continued so the applicant could submit a more detailed drawing, depicting the area as it actually appears.

Commissioner Maher moved to continue the hearing [DR 95-03] to February 13, 1995, allowing the applicant to submit a more detailed drawing. Commissioner Jackson seconded the motion and it carried unanimously.

IX. DIRECTOR'S REPORT

Re: Pat Harmon's Subdivision - Mr. Wheeler explained that he reviewed the minutes of the meetings and there was no specific mention whether the sidewalks should be concrete or asphalt. The definition in the Code for sidewalks says, "Pedestrian walkway with permanent surfacing meeting City standards." The City does not have standards for private sidewalks specifying concrete, although it does specify "hard-surface."

Pat Harmon, P.O. Box 216 stated that the blacktop was installed in good faith, as were the two street lights he added, which were not required. Staff's definition of sidewalks was just as it is defined in Webster's Dictionary, he explained. . . "A paved pedestrian walk." The definition of paving only refers to a hard-surface, he added, very non-specific as to whether it is concrete or asphalt. Paving, he added, is traditionally synonymous with asphalt. This is a small neighborhood, with 5 residences, and the traffic flow will be relatively low, he stated, with sufficient turnaround. Mr. Harmon further explained he left a deposit with the City for the extruded curbs, so all the conditions will be met.

After a short discussion, a straw poll was taken and the Commission agreed 3-2, with Chairman Schrader abstaining, that the sidewalk did not need to be constructed of concrete, that asphalt was sufficient. Chairman Schrader agreed to sign the plat.

The Commission suggested amending the Code to specify concrete sidewalks, even for private streets.

IX. DIRECTOR'S REPORT

None

X. ADJOURNMENT

The meeting was adjourned at approximately 11:40 p.m.

Respectfully submitted,



Joyce A. Faltus