

MINUTES
CANBY PLANNING COMMISSION
REGULAR MEETING
FEBRUARY 13, 1995
7:30 P.M.

APPROVED

I. ROLL CALL

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

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

Others Present: John Torgeson, Bill Jeffers

II. MINUTES

None

III. CITIZEN INPUT ON NON-AGENDA ITEMS

None

IV. COMMUNICATIONS

None

V. NEW BUSINESS

Regarding Lot # 340 in Village on the Lochs, removal of a 36" Fir tree that was designated for preservation, was discussed, as the home was delivered larger than ordered. The City Arborist visited the site and determined the tree is not hazardous and is healthy enough to be retained. The options are to remove the tree and plant a new, small tree to replace it, or leave the tree as it stands. Mr. Wheeler explained that although the house that was delivered was larger

than ordered, it can be placed on another lot, or a corner of the manufactured home can be cut off to make it fit. It was originally planned that the tree would be 5 feet from the back of the house. As best as staff can tell, although it would be a very tight fit, it can work. There is a home on either side and a 14 foot setback distance between homes. There is a 25 foot wetland buffer which would be close to the edge of the house.

John Torgeson explained that if the house was left where it presently is, it would be 1-1/2 to 2 feet short on only one side. He felt it was best to leave it where it is located now and save the tree. If the house was moved in a certain way, he added, it would be 13 to 13-1/2 feet on both sides, and the 12' easements required by CUB would remain in tact. The 14 foot separation, he explained, was conditioned with the project, but no State rules would be broken. He asked if the Commission had the power to make an exception and reduce the amount of separation between units in order to save the tree. Mr. Wheeler explained that Section 16.44.030(F), Standards and Criteria for Manufactured and Mobile Homes in Trailer Parks, requires a minimum of 14 feet of separation between individual units as well as between units and permanent buildings. In 1993 the distance was changed from a 15 foot to a 14 foot separation between units because the minimum distance between homes in an R-1 zone is 14 feet.

Bill Jeffers, Manager of Village on the Lochs, explained that the homes on either side of the lot in question are both 6" longer than the plat shows. The manufacturer does not guarantee the length of the home that is built [within 6-8" difference]. The width is guaranteed because of highway restrictions when transporting them, but the delivered home is usually anywhere from 6" shorter to 6-8" longer than ordered, most of the time.

Mr. Hoffman suggested moving the house to another vacant lot in the same area. Mr. Jeffers explained that the customer requested a lot in the wetlands area in order to enjoy the view. Other lots in the same area will not accommodate that home, not in the configuration it has to sit, horizontal to the front property line, as it was ordered so that the garage could be placed in front of it. The one lot that could accommodate the house is not acceptable to the owners. Mr. Jeffers said that if the home could not be accommodated on this lot, the owners will move it to another lot, sell it, and purchase another.

The Commission was split between the preference to save as many trees as possible. Three Commissioners felt the tree should be retained, that the Ordinance is clear about the required room between units, and that a variance

would show it to be a self-created situation. Three felt the tree should be removed to accommodate the home. Therefore, this proposal will either have to be brought back before the Commission when 7 members are present, or the house will have to be removed from the lot.

VI. FINDINGS

DR 95-02/MLP 95-01 - Sprague

Commissioner Mihata moved to approval the Final Order for DR 95-02/ MLP 95-01, as submitted. Commissioner Maher seconded the motion and it carried unanimously.

DR 95-01 - Wayne Scott [Highway Marketplace]

Commissioner Maher pointed out that she had voted "nay" at the hearing and asked that the last page of the Final Order be changed to reflect that vote. With that correction noted, **Commissioner Maher moved to approve the Final Order for DR 95-01, as corrected. Commissioner Mihata seconded the motion and it carried unanimously.**

VII. OLD BUSINESS

None

VIII. PUBLIC HEARINGS

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]. *Continued from January 23, 1995.*

Chairman Schrader asked if any Commissioner had ex-parte contact or conflict of interest. None was indicated. He then reviewed the hearing process and procedures and referred to the criteria posted on the wall.

Mr. Hoffman presented the revised staff report. He compared the original

proposal with the revised site plan and explained that one bay was removed, that the building addition is now 100 feet, not 125 feet, that three additional parking spaces were added, and that landscaping is entirely in the expansion area. The applicant is no longer proposing to change the existing building or parking or ramp area at all. The revised site plan, he explained, now meets the requirements. The sidewalk is only proposed for the expansion area and there is sufficient parking, as required. Since the building has been reduced the applicant falls below the requirement for a truck dock, but is proposing to build a 35 foot dock. Staff recommends approval as the applicant meets all the requirement, with conditions.

Applicant

Paul DuPont explained that he was unable to get further detailing on the type of materials being used in the landscaping plan.

Commission Deliberation

1. The Commission discussed sidewalks in this particular industrial park. Mr. Hoffman explained that, with the present configuration and the transformers that are there, it would not be possible to add sidewalks. There is concrete all the way to the property line and there is a strip where something could be added, which would not really serve any useful function. Mr. DuPont is not required to add the sidewalk for an existing building. Further, he explained that no other businesses in that industrial park have any sidewalks. In this case, if sidewalks were added, parking spaces would be lost, and would interfere with docks and loading areas and transformers. If taken literally, the ordinance requires sidewalks in commercial areas, not in industrial areas. The Commission agreed that a sidewalk on this site, attached to nothing, would be out of character. Sidewalks on both sides of N.W. 3rd and Baker should be required in the future, but would serve no useful purpose on this wide cul-de-sac, which is used largely for truck turnaround.
2. The Commission agreed the revised layout of the building and parking area is a good improvement.

Based on the findings and conclusions contained in the staff report dated January 13, 1995 and revised February 8, 1995, on testimony at the hearings and on Commission deliberation, Commissioner Maher moved to approve DR 95-03, incorporating the revised site plan dated February 7, 1995, with the

sidewalks shown on the revised site plan **not** be included, but that additional landscaping could be extended to the curb as a result of removing the sidewalk, and subject to staff's recommended conditions.

Commissioner Mihata moved to second the motion.

Mr. DuPont objected to the requirement for additional landscaping to be extended to the curb in lieu of the sidewalk because it would be an interruption in that area, as it would not blend in or wear well with the truck traffic. He stated he would prefer to add the sidewalk if need be instead of the additional landscaping to the curb or concrete the area between the property line and the rolled curb.

Commissioner Maher moved to continue her previous motion without the requirement for additional landscaping to the rolled curb, subject to the conditions suggested by staff, as follows:

1. Storm water design and construction of the paved area of the property shall conform to the Canby Public Works Department standards.
2. A detailed construction 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.
3. The landscaping shall be planted at a spacing that matches or exceeds (in density) the standards for plantings provided by the Oregon Department of Transportation. Bark mulch and similar material shall consist of not more than 5% of the total landscape area after the 3-year period. River rock, or similar landscape material, shall consist of not more than 5% of the total landscape area.
4. The tax lots shall be combined or a parking agreement recorded with the County Registrar of Deeds.

Commissioner Ewert seconded the motion and it carried 5-1, with Commissioner Mihata voting "nay" due to the landscaping not continuing to the rolled curb.

DR 95-04, an application by Merlin C. Buser for Site and Design Review approval of a proposed cabinet shop and office. The proposed building is approximately 10,986 square feet - 7,400 square feet for the manufacturing operation, and 1,570 square feet for office use. The remaining 2,016 square feet will be tenant-occupied. The property is located on the northwest corner of S. Redwood Street and Township Road [Tax Lot 1810 of Tax Map 3-1E-34C].

Chairman Schrader asked if any Commissioner had ex-parte contact or conflict of interest. None was indicated. He then reviewed the hearing process and procedures and referred to the criteria posted on the wall.

Mr. Wheeler presented the staff report. He explained that the proposed use is permitted outright in the Light Industrial Zone, as will the future tenant's use, although the specific nature of the rental is yet unknown. This property is part of the area that benefits from the Logging Road Project and the advanced financed public improvements have been paid. The site will be developed in 2 phases. There are no specific plans for the second phase at this time. The first phase is composed of the southern 53,507 square feet, which is the amount of footage that will be considered when reviewing the landscape requirements. Mr. Wheeler reviewed the landscape plan, recommending various revisions, and pointing out errors with regard to the trees proposed for N. Redwood. He further explained that the applicant is proposing in excess of 12,000 square feet of landscaping, while only approximately 8,000 square feet is required. Fifteen parking spaces are required for the proposed use, and 19 are provided. Although one 12' x 60' loading berth is required, there will only be one single 40' trailer delivering lumber daily, which will be unloaded by a fork lift. The company owns 20', 1-ton box trucks which are brought into the building for loading, and leave immediately thereafter, which is why no loading dock facilities are proposed with the building, nor conditioned. The driveways are wide enough to accommodate the lumber delivery truck and vehicular traffic. Access is via S. Redwood Street with a driveway that is currently in place and provides access to the existing on the lot to the north, which will be terminated with the proposed development. There will be two pedestrian access points from the street, one from S. Redwood and one from Township, which will be directed to the main office. Although Township Road, classified by the County as an arterial road, but by the City, as a collector road, will be widened with curbs and sidewalks, the County has requested that an additional five feet of land be dedicated for right-of-way, in order to accommodate two 12' travel lanes, a 14 foot turning lane, and two 6' bike lanes. There is currently a 60' right-of-way, and the County would like a 70' right-of-way to accomplish its goals. The City's Transportation Plan specifies that the existing right-of-way is sufficient and will meet City standards. As the

road is maintained by the County, the road widening should meet the County's requirements as well as the City's construction standards, but as it meets City standards, staff is not recommending any additional footage for right-of-way. The building will be an off-white metal building with Kelly Green trim. One 36 square foot sign, a lot less than the maximum allowed, is proposed to be attached to the building, facing the intersection of S. Redwood and S.E. Township. There are overhead electrical lines along Township and overhead lines serving Mr. Hanson's home. All overhead lines will be undergrounded once Mr. Hanson and Wright's nursery ask the Canby Utility Board to service the house. It appears an electric pole which is within the right-of-way, will be situated on the street side of the curb and will need to be moved. Staff recommends approval with conditions.

Commission Deliberations

1. The Commission discussed the sensitive nature of this industrial property's location being across the street from residentially zoned land. The Commission agreed that the shrub planting along S.E. Township Road needs to provide year-round visual screening.
2. The Commission agreed street trees planned to be planted on either side of the driveway entrance should be planted at least 15 feet away from the entrance due to the potential for future damage from the trees to truck traffic entering and exiting the property.
3. The Commission agreed that in order to provide appropriate shading of vehicle parking/maneuvering areas separate from the street trees, an additional small shade tree is needed at the northeastern corner of the northern parking area.
4. The Commission discussed the need for a loading berth in the event the proposed business designation is changed or the business is sold and the operation changes. Since a business change would not require another design review hearing, the Commission discussed the need to designate space for a loading dock, in the event it became necessary to have one later on. Mr. Hoffman cited from Section 16.10 regarding requirements when changing or expanding a use, with regard to off-street parking and off-street loading, as appropriate to the new or expanded use. The Commission agreed it was not necessary to designate space for a loading dock at this time but if, in the future, the business changed hands or expanded, in any way, a loading dock would be necessary.

5. The Commission discussed whether retail sales would take place at this site or if there would be a showroom. Mr. Wheeler indicated he believed it was strictly wholesale, but that there was a showroom where, evidently, someone could come in and place an order.
6. The Commission discussed whether the proposed parking would cover the future rental space for another business. Mr. Wheeler explained that there were four additional spaces provided, which should be adequate. When the 2,000 square foot rental space is utilized, he added, they would have to have a certain amount of manufacturing space, with the balance in office space, due to the limited amount of square footage.
7. The Commission questioned whether anyone responded to the public hearing notices. Staff explained there was no response whatsoever to the notice.

Based on the findings and conclusions contained in the staff report dated February 3, 1995, and on Commission deliberations, **Commissioner Elliot moved to approve DR 95-04**, subject to 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 and starting plant sizes shall meet the ODOT plant spacing/starting size standards.

5. The birch trees shall be removed. 'Cleveland Select' Norway Maples shall be planted, 50-feet on center, along S. Redwood Street. The Maples shall not be planted within fifteen feet of the driveway entrance. Four 'Glenleven' Lindens shall be planted along S.E. Township Road, 40-foot on center. All street trees shall be planted six feet behind the sidewalk, and shall be at least 2" caliper trees when planted. One small tree shall be planted at the northeast corner of the developed area, next to the parking spaces.
6. The western Sweetgum may be changed to a 'Glenleven' Linden.
7. The sidewalks shall be located against the curb, and shall be five-feet wide, including the curb. Where utility facilities or other obstructions (such as fire hydrants, mailboxes, etc.) are located at the curb, the sidewalk shall be set away from the curb such that the sidewalk remains unobstructed for a full five-foot width.
8. The shrub planting along Township Road shall provide year-round screening along the full frontage of Township Road, except for the required vision clearance area. Three vine maple trees shall be planted on the south side of the building.

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. Any necessary utilities shall be constructed to the specifications of the utility provider. The electric pole at the southwestern corner of the property shall be relocated as specified by Portland General Electric and Clackamas County.
11. The widening of S.E. Township Road shall be constructed to both the County and the City specifications and standards. No additional right-of-way is required.

Other Notes:

12. A County Street Construction and Encroachment Permit and a Street Opening Permit is required by the County prior to construction of the widening of S.E. Township Road. Stormwater management regarding

construction runoff onto the road will be required as a part of the road permit. This will be handled as a part of the pre-construction plans and conference.

Commissioner Ewert seconded the motion and it carried unanimously.

IX. DIRECTOR'S REPORT

Mr. Hoffman discussed Priority A, B, and C lands with regard to annexation. The amount of land left in each area was discussed, with regard to a memo submitted for the Commission's information.


Mr. Hoffman advised the Commission that the project directors for H.O.P.E. will provide a bus to take people to see a comparable facility that is already built and operating in Albany.

Mr. Hoffman explained that the draft traffic study of S. Ivy and 13th Avenue indicated that there is justification for a traffic signal at that intersection. The County has now moved it up to a high priority item.

X. ADJOURNMENT

The meeting was adjourned at approximately 10:45 p.m.

Respectfully submitted,


Joyce A. Faltus