

**MINUTES**  
**CANBY PLANNING COMMISSION**  
REGULAR MEETING  
APRIL 10, 1995  
7:30 P.M.

**APPROVED**

**I. ROLL CALL**

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

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

Others Present: Sarah J Chaplen, Donna Borges, Lisa Wilcox, Nga and Dusty Schmidt, Matt Hamstreet, Terry Prince, Scott Beck.

**II. MINUTES**

The minutes of March 13, 1995 were approved, as amended. Page 2, under the three options listed for Canby's growth, Chairman Schrader asked that #1 and #2 be combined, #3 left as is, and the new number three read "*To increase density in certain areas from 8/acre to 10/acre.*" Page 3 was amended to read that . . . a tax-base funded recreation district in place by *July, 1996*. In the third paragraph on page 3, a sentence was amended to read: "In June, a long-range facility planning committee will be formed to plan beyond the current level ~~which includes mostly planning that involves selection of sites for new schools~~ and, ~~instead,~~ take on a major detailed study of a long-range, 20-year plan that would take a look at capacity, and general/student population connected growth and to set benchmarks for action to respond to that growth. On page 11, #11 was discussed. The Commission agreed the wording *meeting Canby's recent sidewalk standards* should be added to paragraph #3 under Commission deliberations, as it was intended that the pedestrian concrete sidewalk should meet those standards.

The minutes of *March 27, 1995* were approved as submitted.

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

None

**IV. COMMUNICATIONS**

None

**V. NEW BUSINESS**

*LLA 95-03*, an application by Matt Hamstreet for approval to adjust the lot line between Tax Lot 306 and Tax Lots 303 and 304 of Tax Map 3-1E-32A. The applicant proposes to split Tax Lot 316 into two sections and adjoin the two sections to Tax Lots 303 and 304. No parcel will remain of Tax Lot 316. Tax Lot 304 will receive approximately 7,838 square feet and Tax Lot 303 will receive approximately 6,825 square feet. The application is coming before the Planning Commission since it was previously involved in a subdivision approval and lot line adjustment involving the property.

Mr. Hoffman explained that this application is actually an administrative action, but that it was coming before the Commission because this site was previously involved in an action by the Commission, but Ron Tatone did not consummate the action by filing it with Clackamas County. Only two of the property owners, Mr. Hamstreet and Mrs. Nerenberg, have agreed to purchase the property. Originally, three property owners, Mr. Longstreet, Mr. Hamstreet, and Mr. Nerenberg, had agreed to purchase the property, but Mr. Longstreet decided against it. Presently, the lot in question has been developed as the backyards of the two lots fronting on N. Ash [Nerenberg and Hamstreet] with play equipment. There is no proposal forthcoming to develop the rear property as a separate lot, nor would this approval prevent development of the adjacent DuPont property. Staff recommends approval as the application meets the criteria.

*Matt Hamstreet, 1003 N. Ash* explained that no one has any intention of developing the lot in question. He and the neighbors on both sides of him originally decided to purchase the lot and divide the \$40,000 purchase price by the square footage added to each lot. At the last moment, Mr. Longstreet backed out and Mr. Hamstreet and Nerenberg divided it. The lot has been landscaped and there is playground equipment for the children. Mr.

Hamstreet explained further that he has begun to have a swimming pool built in what is now his backyard. With Mr. Nerenberg's consent, he applied for a building permit, which was issued for a 20 x 40 in-ground pool, which is 3/4 complete. When he applied for a permit to build the cabana, the City determined it to be a separate lot from his property and advised him a lot line adjustment was required and the construction was stopped. Rather than incur further penalties from the swimming pool company, he applied for a lot line adjustment.

The Commission agreed with staff that the lot line adjustment should be approved.

## ***VI. COMMISSION DISCUSSION OF PLANNING ISSUES***

Donna Borges and Mark O'Shea presented the final document, which incorporates the goals and benchmarks, from the Growth Management Task Force's perspective, for the Commission to review. They referred to some of the issues the group discussed in trying to determine its goals, objectives, and benchmarks with which to measure growth. The entire group agreed that a very important goal is to retain the unique character of Canby as a rural community. Many people expressed concern that as Canby grows the "rural community" atmosphere would be lost, along with farms, parks, etc., even within walking distance of the City limits. Concern was also expressed at the meetings that agricultural land might be forced into development. The committee expressed desire to research what types of farming are more compatible with urban development than others. Additionally, the ability to be able to walk to the nearest convenience centers was a consideration, especially one where neighbors could gather, to generate/promote neighborhood cohesiveness. Another benchmark dealing with growth would ensure one hundred percent of the public services have a service plan and capital improvement plan in place. The task force was also concerned with the issues of providing adequate and affordable housing. Ms. Borges explained how citizen input was incorporated into some of the meetings.

Mr. O'Shea added that there was very little positive discussion about METRO. He found that people were very afraid and very resentful about METRO's proposals.

Speaking for the task force, Mr. O'Shea stated that the City should accept the goals that were set for the agricultural, urban and open space areas, and adopt

them as guidelines for future planning efforts. Additionally, Goal "A" should be considered strongly, using natural boundaries, such as the Willamette River, Molalla River, and Pudding River, or geographical areas, to limit or encourage development. Managing the growth and services is very important too, Mr. O'Shea added.

## ***VII. PUBLIC HEARINGS***

*DR 95-07*, an application by Dusty and Nga Schmidt for Site and Design Review approval to renovate an existing building and construct new parking facilities with site landscaping to operate a retail establishment for the sale of antique furniture. Additionally "cosmetic" renovation of the building will occur. The site is located at the northwest corner of N. Ivy and Highway 99-E [Tax Lots 9400 and 9500 of Tax Map 3-1E-33CD].

Chairman Schrader explained the hearing process, procedures and timelines. He asked if any Commissioners had ex-parte contact or conflict of interest. None was indicated, other than visiting the site. Dr. Schrader referred to the hearing criteria.

Jim Wheeler presented the staff report. He explained that the Pioneer Antique Mall is at the northwest corner of Highway 99-E and N. Ivy. The Commission will review the parking lot and cosmetic exterior changes to the existing building. The applicant proposes to operate a retail establishment for the sale of antique furniture. There also appears to be a food counter inside the building which will be used during antique sales, and not as a separate use. At the present time, prior building code violations are being rectified. Thirty percent of the parking lot area has been provided as landscaping. Twenty on-site parking spaces have been proposed and the applicant is proposing an additional twenty-two spaces in the City parking lot, to the north of the site, across the railroad tracks. At the present time, the City Administrator has tentatively agreed to that use but has required a fence along the northern property line from Ivy to the building and from the west side of this building to the office building to the west, so as to not encourage those using the City parking lot to cross the railroad tracks other than at designated crossings. Additionally, the City will require a sidewalk connecting the City parking area to this property, to the west of the railroad signal arms, which will cross the railroad tracks and will require approval from the Public Utility Commission. An application has been filed with the PUC by the City of Canby. Mr. Wheeler explained that, additionally, there will be a full sidewalk along both

Highway 99-E and N. Ivy. There is an existing loading berth on the front side of the building which is difficult to access with a large semi trailer, although with a standard delivery truck it would be feasible. Screening of the loading berth would be difficult, since it is already existing, and a 6 foot high fence or hedge would detract from the aesthetic appeal of the site. The entrance will have to be designed carefully so as to not impede traffic entering or existing the site. Access to the site has been approved by ODOT. The access to the easterly parking area is approved for right-turn only, and the access on the west side of the site is unrestricted as it is a shared joint access with the Canby Station property to the west. The City is not permitting access from Ivy Street to this site, nor from N. Grant Street to the Canby Station site. The color rendering depicts the building as grey with blue and green trim. It is difficult to determine the signage as the drawing is not drawn to scale. Six hundred square feet of signage is permitted for this site. If the proposed signage is less than 600 square feet, additional signage will be permitted no less than six months after this application is approved. Mr. Wheeler discussed the landscape plan and the proposed conditions of approval. He explained that the property consists of two tax lots and the divider line is just east of the building. One tax lot covers a majority of the eastern parking lot. They should either be combined or a mutual parking, access, and maintenance agreement should be filed with the County, for both lots. The PUC must approve a sidewalk crossing the railroad tracks, connecting the City parking lot to the parking lot on the subject site prior to issuance of a building permit. Additionally, a parking agreement for use of the parking spaces in the City parking lot, should be finalized prior to the building permit application. A drywell, in addition to the existing catchbasins, must be installed in the eastern parking area, to dispose of on-site drainage. After measuring the parking spaces, the ones on the east side, near the handicapped parking space, were found to be 8 feet wide, providing too many compact parking spaces. Possible solutions were discussed. To protect the landscaped areas and the sidewalks, wheel stops will be required. Due to ODOT's requirement for 'right-turn only' ingress and egress at the eastern parking lot, signage designating direction shall be required.

### *Applicant*

*Scott Beck, 15124 S. Spangler Road, Oregon City* explained that the remodeling of the building interior is minimal, with handicap upgrading and improvement of restroom facilities. Most of the development is site-related, explained. The building was developed over the years, in several phases, with several level changes within. The west end of the building has been developed with open

retail shops in mind and has a raised platform adjacent to it which will be used as the auction site. The rest of the building would be used for warehousing of antiques, where people could walk through and browse. The door with an existing ramp on the west side of the building, serves as a natural dock. Mr. Beck suggested easier access to the ramp could be achieved by setting a tree further back, and building an elevated paved area to the ramp that trucks could back over, although the applicant does not anticipate heavy truck traffic to and from the site. Rather than doing a seismic upgrading of the structure due to being designated as a new use, the auction function has been limited to 95 people occupying the building at one time. The occupancy limitation has been approved by the Fire Marshal, Building Official, and Clackamas County, and will be posted as such. Auctions will be held on weekends, for the most part, when the City's parking lot is at a low level of use. The applicants, he explained, intend to combine the two tax lots. The drywell has already been installed in the easterly parking area by the previous owners, and is now hooked up. With regard to the sidewalk crossing the railroad tracks, Mr. Beck explained that Roy Hester applied for the permit to construct it, but has not yet heard from the PUC. Before the City enters an into an agreement for use of the City parking area, Mr. Kelley advised the applicant that the City wanted to ensure the PUC approved a sidewalk permit, that the sidewalk was constructed to PUC and City of Canby standards, and that the fence was constructed. Further, Mr. Beck explained that he is the architect for both Canby Station and Pioneer Antiques, which should help ensure that the properties will be compatible. The shared access sits right on the property line and half is on Dave Anderson's property and half on the Schmidt's property.

*Dusty Schmidt, 158 S.W. 1st Avenue, Canby* explained that the east half of the building will be used to house various antique shops. Antique auctions are planned to be held one night, or one afternoon, per week and, hopefully, will be successful enough to be held entire weekends. There is no deli proposed at the present time, Mr. Schmidt added, although there is a concession stand in the auction area which will be operating only when auctions are held.

The Commission questioned how Mr. Schmidt would feel about having auctions restricted to non-business hours so as not to conflict with parking in the public area. Mr. Schmidt stated he took exception to agreeing to such restrictions.

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

1. The Commission discussed the proposed use of the existing building and property and the potential hazardous traffic pattern at the access points with Highway 99-E. The Commission agreed that this potential combined with both the limited access onto the Highway and the restricted distance between the traffic signals at S. Ivy and S. Grant Streets has the potential of creating a serious traffic problem and potential traffic hazard. Because the potential for traffic hazards exist, the Commission agreed that the police should be contacted about monitoring the ingress and egress of traffic from the parking lots along Highway 99-E during auction times.
2. The Commission agreed that the operation of an auction during normal business hours [9:00 a.m. to 4:00 p.m., Monday - Friday] could conflict with regular use of the City's parking facility just north of the subject site. It was agreed that if more than 2 separate written complaints are received within a 10 day period, the auction will be considered as having a deleterious effect. The Commission agreed that restricting the auction's hours of operation to non-business hours (business hours being 9:00 a.m. to 4:00 p.m., Monday through Friday) is considered to be a reasonable remedy to a parking conflict, if complaints are received.
3. The Commission agreed that a reciprocal access easement is needed with the property to the west for the shared western access off Highway 99-E, as it is the sole access for the business to the west, and is the access for the loading facility and a portion of this property's parking area.
4. The Commission agreed that in order to provide appropriate pedestrian circulation, a sidewalk connecting the Highway 99-E sidewalk with the eastern entrance to the building should be provided.
5. The Commission discussed the possibility of the applicant wanting to add an eating establishment in the building. It was agreed that an eating establishment is a fairly significant use which would require more parking and, if proposed, would necessitate another site and design review application.

Based on the findings and conclusions in the staff report dated March 31, 1995, on testimony at the hearing, and on Commission deliberations, *Commissioner Ewert moved to approve DR 95-07* with the following conditions:

***Prior to the Building Permit Application :***

1. Either the two Tax Lots (9400 and 9500 of Tax Map 3-1E-33CD) shall be combined or a mutual parking, access, and maintenance agreement between the two Tax Lots (9400 and 9500 of Tax Map 3-1E-33CD) shall be recorded with Clackamas County. A copy of the agreement with the County recording number shall be submitted to the City or a copy of the approved "Cancel and Combine" form shall be submitted to the City.
2. A parking agreement for 22 parking spaces shall be finalized with the City, or shall be provided in accordance with the City's parking regulations and standards (Section 16.10).
3. A permit from the Public Utility Commission shall be received for the sidewalk connection between the City's parking lot and the parking lot on the subject property. This sidewalk shall be designed and located in accordance with the Public Utility Commission's and the City's standards.
4. A reciprocal access easement shall be recorded with the County for the western access. A copy of the recorded easement with the County's record number shall be provided to the City.

***For the Building Permit Application:***

5. A sidewalk shall be provided between the Highway 99-E sidewalk and the eastern entrance to the building.
6. 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.
7. 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.



8. The sidewalks shall be located against the curb, and shall be eight-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 eight-foot width.
9. The sidewalk at the intersection of S. Ivy Street and Highway 99-E shall have a handicap accessible ramp, constructed to A.D.A. standards.
10. The eastern parking lot shall have a dry well, constructed to the City's standards, to dispose of on-site drainage.
11. No more than six (6) parking spaces shall be less than 8'6" in width. All compact parking spaces (those less than 8'6" in width) shall be so designated.

*Prior to Occupancy:*

12. Wheel stops shall be provided for all parking spaces.
13. Signage shall be provided designating the right-turn only for the eastern ingress and egress.

*Other Notes:*

14. The maximum advertising signage permitted is 600 square feet. All signs shall received sign permit approval prior to installation. No signs advertising a delicatessen, or any other eatery, is permitted.
15. The police shall be contacted for necessary monitoring and corrective action related to ingress and egress for the property's Highway 99-E parking lots during all auctions.
16. If two (2) separate complaints are submitted to the City, in writing, over a period of ten (10) days, auctions shall be restricted to non-business hours. The nature of the complaints are to be connected to any parking conflicts with the City's parking facilities to the north during auctions. Business hours are, for this purpose, considered to be 9:00 a.m. to 4:00 p.m., Monday through Friday.

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

**VIII. DIRECTOR'S REPORT**

Mr. Hoffman advised the Commission of the upcoming scheduled meetings regarding METRO's 2040 Plan. Since the turnout was minimal last time, Dr. Schrader explained that he would do a "Point of View" column in the Canby Herald, hopefully, to encourage residents to attend.

**IX. ADJOURNMENT**

The meeting was adjourned at 10:30 p.m.

Respectfully submitted,

  
Joyce A. Faltus