

MINUTES
CANBY PLANNING COMMISSION
REGULAR MEETING
APRIL 24, 1995
7:30 P.M.

APPROVED

I. ROLL CALL

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

Staff Present: Robert Hoffman, Planning Director, and Joyce Faltus, Secretary.

Others Present: Kevin Howard, Lon Burges, Matt Hamstreet, George Wilhelm.

II. MINUTES

None

III. CITIZEN INPUT ON NON-AGENDA ITEMS

Kevin Howard, Highway 99-E Mini-Storage, addressed the Commission regarding the signage. He pointed out that nearly all the signs along Highway 99-E are yellow, with black lettering. Further, he pointed out that the photographs he submitted were only indicative of the "type" of sign, not of the color of the sign. Additionally, Mr. Howard explained that the photographs were submitted to show the type of storage units and colors of the units, more than the type of sign. Having once tried a blue sign, Mr. Howard explained that it was found that a blue sign was more difficult to locate than a yellow sign. After consulting with an expert to find out what the most recognizable colors for signage in high speed areas were, it turned out that signs with black letters on a yellow background were easiest to find at a distance, with brown letters on yellow background the best second choice. Therefore, because they locate only in high retail areas and could only afford a relative amount of street frontage, the company decided on yellow signs with black lettering. In fact, Mr. Howard pointed out, ODOT's street directional signs are also black letters on yellow background, which are probably the safest signs because they would stand out and be easy to locate, reducing the risk of accidents.

Additional photographs were submitted, showing yellow signs in highly visible locations, so the customers could identify the site early enough to slow down and enter the property safely.

When the sign company came to the City for the permit, no mention of color was made. Mr. Howard stated that after reading the minutes of hearing, he believes color was not an issue, nor was there any specific discussion about color. The only issue appeared to be the readerboard. He added that the minutes of the hearing discussed size - that the sign could be no larger than 600 square feet - and that it must be similar in size and appearance as the ones shown in the pictures submitted with the application for the design review. Appearance could be defined as more than just color - it could mean size, wording, etc. Furthermore, the signs in the file are 6x10 and 8x10 and the sign that was approved is 10x10. Mr. Howard added that the signs in the file are all different; one has an orange border, and only one has a readerboard. He quoted the language which appears as approval criteria in the final order: "The location, design, size, color, and materials of the exteriors of all structures and signs are compatible with the proposed development and appropriate to the design character of other structures in the same vicinity." Mr. Howard reiterated that the majority of signage on Highway 99-E are yellow with black lettering, as it is the best color to facilitate recognition. The sign on the Highway 99-E Mini Storage is certainly compatible with businesses and signage in the vicinity. Mr. Howard requested that the color be approved because: 1) there was never any intention to deceive the Commission; 2) because the sign is similar to other signs in the vicinity of Highway 99-E; and 3) it is best for the security of the public.

Mr. Hoffman explained that the last sentence of condition of approval #10, reads: "The picture is in the file."

The Commission reviewed the pictures in the file and in all the ones that have signs, the signs are blue, especially the one with the readerboard, which was discussed at length by the Commission at the hearing. After Commission discussion and a straw poll, it was agreed 3-1 that it was obvious that the Commission expected a blue sign, similar in appearance to the photographs in the file, which were part of the Design Review process.

Matt Hamstreet, 1003 N. Ash Street, explained that his neighbor, Mr. Longstreet, was appealing the approved lot line adjustment [LLA 95-03]. He asked if the Commission could intervene at all, and was advised that the appeal would go before City Council, who would have a copy of the minutes where Mr. Hoffman discussed the application with the Commission, and where the Commission concurred its approval of the administrative decision.

IV. COMMUNICATIONS

None

V. NEW BUSINESS

None

VI. FINDINGS

The Commission unanimously approved the Final Order for *DR 95-07* [Dusty and Nga Schmidt].

VII. PUBLIC HEARINGS

SUB 95-02, an application by Marlon Financial Services for approval to subdivide a 5.85 acre parcel into three parcels, approximately 2.41 acres, 1.42 acres, and 2.02 acres, respectively. The site is located at 700 S.E. 5th Avenue, between S. Maple Street and S. Pine Street, north of S. Township Road [Tax Lot 1200 of Tax Map 3-1E-34].

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 directed the audience's attention to the applicable criteria.

Mr. Hoffman reminded the Commission that a 92-unit apartment complex had been approved to be constructed at this location, DR 94-01. The present application proposes to divide the 5.85 acre parcel along the lines delineating the 3 approved phases. The first phase, 28 units, has already been completed and is located entirely within proposal Parcel 1. When the applicant reached the point where he was converting from his construction loan to a more permanent loan, he discovered that the lender did not want to lend on a portion of the site without the site being divided, in order to phase financing. Therefore, the Planned Unit Development portion of this application has been made to allow for a reduction in the building setback requirements, which were not met under the application for a minor land partition, which was recently withdrawn. Mr. Hoffman referred to the condition of approval which requires that the buildings and site development, including recreation and

open space, built on Parcels 2 and 3, shall be in conformance to the approved Site and Design Review, DR 94-01, approval. Additionally, proposed condition #3 requires that the easements, parking, access, play areas, and landscaping be recorded with the County prior to issuance of building permits, to ensure that whoever builds on Parcels 2 and 3 conforms to the conditions of approval of DR 94-01.

Applicant

Lon Burges, 7225 SW 13th Avenue, Portland 97219, explained that the lender did not want to lend money for phased financing on a portion of the site without the site division. If the original plan was adhered to, there would be quite a few less units, he added. Regarding the playground equipment, Mr. Burges stated that the three bedroom units will certainly have children, more so than the two or one bedroom units. Mr. Burges then explained where the bounce-ball court will be located, as well as the basketball court, softball court, and sandboxes to entertain young children.

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

1. The Commission questioned why this application was not advertised as a Planned Unit Development, or called SUB 95-02/PUD. Mr. Hoffman explained that the notice stated ". . . to replat the parcel into 3 Planned Unit Development parcels." Additionally, Planned Unit Development regulations and requirements were listed under the applicable criteria on page 2 of the staff report, he added.
2. The Commission and applicant discussed the applicant's intentions regarding the development of the recreation and open space areas and the Commission agreed with the applicant's intentions to develop the recreation space for intense use by children.
3. The Commission discussed the reduced setbacks for the interior lot lines and agreed they are acceptable, as they will allow the proposed and existing apartment buildings to be built as approved in the Site and Design approval [DR 94-01].

Based on the findings and conclusions contained in the staff report dated April 14, 1995, on testimony at the hearing, and on Commission deliberations, **Commissioner Mihata moved to approve SUB 95-02 subject to the following conditions:**

For the Final Plat:

1. The final plat shall reference this land use application - City of Canby, File No. SUB 95-02, and shall be registered with the Clackamas County Surveyor's Office and recorded with the Clackamas County Clerk's Office.
2. The final plat mylars must contain, in the form specified, all information necessary to satisfy all matters of concern to the County Surveyor, or his authorized Deputy, including, but not necessarily limited to, various matters related to land surveying, land title, plat security, and plat recordation.
3. Mutual easements for the utilities, parking, access, play areas, and landscaping shall be recorded with Clackamas County for each of the created parcels. Copies of the easements, with the County's recording number, shall be submitted to the City's Planning Department prior to the issuance of building permits.

Notes:

4. The buildings, and site development including recreation and open space, to be built on parcels 2 and 3 shall be in conformance, especially regarding location, to the approved Site and Design Review for the apartment complex (DR 94-01).
5. Recreation and open space areas, especially in Phase I, designated on the Design Review plan shall be developed as described by the applicant at the April 24, 1995 Planning Commission meeting and shall include sandboxes, slides, and other play equipment and field sports areas appropriate for the size of space. The development of this space shall respect the liveability of adjacent homes and apartment areas and protect them from abrasive noise and activity.

Commissioner Maher seconded the motion and it carried unanimously.

The Commission unanimously authorized Chairman Schrader to sign the Final Order which was submitted, as revised above.

VII. DIRECTOR'S REPORT

Mr. Hoffman reported that he is still gathering information regarding delayed annexation.

Mr. Hoffman discussed the Graham Oil Site and Design Review approval compliance issues [DR 94-08] regarding street trees and a temporary sign which was not included in the original plan. Since the sign was not part of the original plan, the applicant would normally not be able to apply for a sign permit until 6 months after Site and Design Review approval. The Commission agreed to review the April 24, 1995 memo and discuss it at the next meeting.

Mr. Hoffman further discussed the Church of Christ approval, which approval lapsed, although all the trees have been removed from the site. He explained that a new application has been submitted.

VIII. ADJOURNMENT

The meeting was adjourned at 10:20 p.m.

Respectfully submitted,


Joyce A. Faltus