

**MINUTES**  
**CANBY PLANNING COMMISSION**  
**SPECIAL MEETING**  
**JUNE 5, 1995**  
**7:30 P.M.**

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**APPROVED**

**I. ROLL CALL**

Present: Chairman Schrader, Commissioners Gustafson, Ewert, Jackson and Maher.

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

Others Present: Joseph and Robin Marcinkiewicz, Mike Kauffman, Brian Ward, Lee Dummer, Jeff Kralicek, Stacey Kralicek, Jerry R. Earnhart, Kevin Smay, Ron Carpenter, Guy Gibson, Ismael Rosario, Brad West, Jeff Brainard

**II. MINUTES**

The minutes of **April 10, 1995** were approved, as submitted.  
The minutes of **April 24, 1995** were approved, as submitted.

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

None

**IV. COMMUNICATIONS**

None

**V. NEW BUSINESS**

None

## **VI. FINDINGS**

None

## **VII. PUBLIC HEARINGS**

**MLP 95-03**, an application by Sharpcor, Inc. for approval to partition a 2.5 acre parcel into two parcels. Parcel 1 would retain the existing home on a 6,800 square foot lot, and Parcel 2, 2.35 acres, would eventually be developed with apartments. The site is located on the east side of S. Pine Street, north of Township Road [Tax Lot 900 of Tax Map 3-1E-4C].

Chairman Schrader asked if any Commissioner had ex-parte contact or conflict of interest. Though the Commissioners visited the site, no conclusions were drawn. No conflict of interest was indicated. Dr. Schrader reviewed the hearing process and procedures and indicated that the criteria that should be addressed during testimony was posted on the wall.

Mr. Wheeler presented the staff report. He explained that the property is zoned R-2, High Density Residential. Properties to the north and east are zoned M-1, Light Industrial, and are not currently developed for industrial use. Properties to the south and west are zoned High Density Residential. To the south and west of the site, apartments are under construction and there is a manufactured home park immediately to the northwest. This property is a part of the "benefitted properties" listed in the advanced financing project for the Logging Road Industrial Park road project. Because no development is proposed for the subject site at this time, the proposed partition will not impact the intersection of S. Pine/S. Township. Potential traffic impacts that might be generated will be reviewed when development is proposed. The site has approximately 290 feet of frontage along S. Pine Street. Road improvements will be needed on S. Pine Street, which is an unimproved public road with a right-of-way of only twenty feet. Currently, there are half-street improvement down to the south end of the manufactured home park. As part of the Marlon South Apartment complex approval, which is west of this site, the west side of S. Pine, north to the improved half-street, will be constructed. At this time, there are no plans for improvement or widening of S. Pine, south to Township Road. Storm water drainage is handled on-site. City sewer service was constructed in S. Pine when the Logging Road Industrial Park road project was underway. Development of this area which is within the "areas of special concern 'O'" would play an important part in the eventual improvement of S. Pine Street, although construction of the improvements will not be necessary until future

development of Parcel 2 occurs. If construction of the needed half-street improvements are delayed until Parcel #2 is developed, then the improvements that are needed in front of Parcel #1 will become the responsibility of the developers of Parcel 2. As S. Pine is a collector street, the right-of-way width for S. Pine will ultimately be 50 feet. Therefore, an additional 20 feet of right-of-way will be required from the properties on the east side of S. Pine, which includes the subject property. Mr. Wheeler explained that S. Pine is going to swing from its current position, approximately 10 feet to the west. The 20 foot right-of-way dedication is going to be approximately 7 feet from the existing home and since the actual road itself is about 5 feet inside the right-of-way. Therefore, with the 20 foot dedication, it will be approximately 12 feet from the curb to the home. The intention of the partition is to split the portion of the property with the existing single family home from the vacant surrounding land, leaving the single family residence on a 5,200 square foot lot. The existing garage and shop are to be removed. There is room for two cars to park on the proposed site for the existing house, with the possibility of a single car garage or single car carport being constructed. Except for very minor expansion of the home, no additional expansion could occur because of the setbacks and the nonconforming nature of the house. The partition will permit efficient utilization of proposed Parcel 2 for high density residential development. Mr. Wheeler explained that, if approved, proposed condition #5 should be amended to add the line "5 feet in width along the street frontage of Parcel 1." The purchaser of Parcel 2 is looking to develop apartments on the site and has been informed that a traffic study would be highly recommended, and probably required during the course of the future application for development, due to restrictions dealing with S. Pine.

### **Applicant**

**Larry Sharp, 3387 Winola Avenue S, Salem 97302** stated that in order to purchase this property from the Millers, he had to agree to leave the existing home on a portion of the site. He further explained that he plans to apply for a Site and Design Review application within the next 45 days.

### **Proponents**

**Patsy J. Miller, 420 S. Pine Street** stated that she concurs with the application and with the staff report.

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

1. Discussion about the eastern edge of the right-of-way for S. Pine Street and that it will be located within seven (7) feet of the home, and the standard twelve (12) foot easement would place an easement under the existing home. In order to avoid creating a future hardship situation for the homeowner on parcel 1, a five (5) foot easement is needed for the frontage along Parcel 1. The Commission agreed to amend proposed condition #5 to include this reduction in the easement for Parcel #1.
2. That a traffic study would definitely be required when considering future development of Parcel 2, to analyze the traffic impacts on S. Pine Street due to the minimal width of S. Pine Street.

Based on the findings and conclusions contained in the staff report dated May 12, 1995, on testimony at the hearing, and on Commission deliberations, **Commissioner Jackson moved to approve MLP 95-03 with the following conditions:**

***For the Final Plat***

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 95-03.
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 the street frontage of parcel 2, and  
5 feet in width along the street frontage of parcel 1.

6. Dedication of twenty (20) feet of right-of-way for street purposes shall be made along the properties frontage of S. Pine Street.

*Prior to the Signing of the Plat*

7. The garage and shop shall be removed.
8. The existing house shall be addressed as **420 S. Pine Street**.

*Notes*

9. Prior to any further development of parcel 2, a Site and Design Review or a subdivision/partition review of the proposed development, and approval shall occur.
10. Improvements to S. Pine Street, including road widening, curbs, sidewalks, street lights, utilities, and street trees, shall be constructed for both the frontages of parcels 1 and 2 prior to the occupancy of any development of parcel 2.
11. The final plat must be recorded with Clackamas County within one (1) year of the approval of the preliminary plat approval in accordance to Section 16.60.060. The mylar for the final plat must be signed by the City prior to the recording of the plat.

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

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**DR 95-08**, an application by Hi-Tech Builders for approval to add 9,360 square feet and a loading dock to an existing building which will be used primarily as a warehouse. The property is located on the south side of N.E. 3rd Avenue, just south of Locust Street [Tax Lot 2100 of Tax Map 3-1E-33DB].

Chairman Schrader asked if any Commissioner had ex-parte contact or conflict of interest. Other than visiting the site and coming to no conclusions, none was reported. Commissioner Maher pointed out that there were no street trees on the site. Dr. Schrader then reviewed the hearing process and procedures and referred to the applicable criteria posted on the wall.

Mr. Wheeler presented the staff report. He explained that the application was revised and referred to his May 26, 1995 supplemental staff report which incorporated those revisions. He explained that applicant intends to house bricks, which are treated on-site to withstand additional heat, in the addition. The revision to the site layout, which is permitted outright, primarily involves providing vehicle access to a large door that will be located on the west side of the new building, near the loading facility, because the owner of the building, Refractories Northwest, wants to be able to access the side door with smaller company trucks. The parking lot layout, with the parking spaces in front of the existing building and along the northwest corner of the property, is an existing paved area. The paved area along the east side is paved to the back of the existing building and approximately to the end of the parking area on the west side. There is a rolled curb, with no sidewalk, with pavement up to the curb. The applicant is proposing approximately 27% of the site in landscaping. With the new addition, the overall site would require approximately 23 parking spaces. The new addition, itself, would require 10 additional parking spaces. Insufficient parking is proposed to meet requirements; however, under the ordinance, they are only required to provide for the proposed addition which is the subject of this hearing. The only way to do this would be to pave the southwestern portion of the property from the building to the property line. If the Commission requires the addition parking, there would be no room for trees or a grassy area. The applicant has requested a reduction in parking requirements which the Commission is permitted to grant under the Site and Design Review Ordinance. The original application proposed parking spaces on the west side of the ramped area, which would not have been accessible. Access for vehicles, to the sliding doors on the north end of the west side of the new addition is requested. The applicant has explained that, over the course of the last 8 years, they have had approximately 10 visits from customers, that there are approximately 2 visits a week from vendors, and one visit per week of material delivery, and approximately 3 trips per day of their own company trucks. Based on that information, staff feels that the proposed 13 parking spaces would be sufficient for their needs. Staff has proposed parking spaces at the south end of the drive leading to the sliding doors, and additional landscaped area in the landscaped area on the west side and a little island between the loading dock and the drive. By this means, additional parking spaces are provided, from the original design. Staff is suggesting that a 5 foot area behind the rolled curb be striped out, to designate a pedestrian walkway area in lieu of an actual sidewalk. Colors and materials will match the existing building as closely as possible.

### **Applicant**

**Brian Ward, 37396 Ruben Lane, Sandy** stated that the applicant did not want to install further fencing on the subject site. He agreed that striping the sidewalk for a pedestrian walkway would be fine. Additionally, Mr. Ward explained that additional parking could be extended in the southwest of the site so cars could turn around at the northwest corner of the new building.

## Proponents

**Stacey Kralicek, 1258 Spruce Street, Lake Oswego** explained that she is the controller for the company and that the addition to the warehouse will not provoke any additional traffic, especially as there is little to no customer contact other than by telephone.

**Lee Dummer, 14240 S. Canyon Ridge, Oregon City** stated that he is an employee of Hi-Tech Builders, in charge of Traffic. He explained that at the busiest times, there are only 4 to 5 trailers that enter the site in any month, which are usually 27 foot trucks.

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

1. Discussion that the use of the building does warrant a reduction in the required number of parking spaces, based on average visits supplied by the applicant, and that fact that there are only 5 on-site employees. The Commission agreed that the parking spaces proposed is sufficient. The Planning Commission notes that with a change in use of the building, more parking spaces may be needed. This needs to be noted and reviewed when the use changes.
2. The striping of a walkway may not be sufficient for a designated pedestrian walkway across the existing paved surface adjacent to the roll curb. Staff was requested to obtain a recommendation from the Police Chief, or a member of the Traffic Safety Committee, regarding the provision for a safely designated pedestrian walkway.
3. The Planning Commission notes that trucks will need to maneuver somewhat, in order for trucks to utilize the loading facilities, they will need to launch a backing movement in the street, which might interfere with normal traffic movement on N.E. 3rd. Since N.E. 3rd is a collector street and will be expected to carry substantial traffic in the future, access to the site might need to be revised if the truck backing movement significantly interferes with traffic movement along N.E. 3rd Avenue.
4. The possibility of fencing along the east side of the site and the possibility of a fence and gate area on the west side.

Based on the findings and conclusions in the staff report dated May 12, 1995, on the supplemental staff report dated May 26, 1995, on testimony at the hearing, and on Commission deliberations, **Commissioner Maher moved to approve DR 95-08 with the following conditions:**

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

1. 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.
2. The "Andromeda" and the "Mugo pine" shrubs are to be planted four (4) feet on center. The "Cotoneaster" shrubs are to be planted three (3) feet on center as shown on the revised plat.
3. Automatic irrigation shall be provided for the shrub landscaping.

***Prior to Occupancy:***

4. **Staff's proposed wording for a safely designated pedestrian walkway recommendation from Police Chief or member of the Traffic Safety Committee.**
5. A "van accessible" parking space shall be provided. It shall meet the American Disabilities Act requirements regarding access to the building.
6. Wheel stops shall be provided for the western and southern parking spaces.

***Notes:***

7. At the time that another use occupies the building, more parking spaces may be required to accommodate any additional parking demand.
8. If the truck backing movement for this property significantly interferes with traffic along N.E. 3rd Avenue, the access to the property and more specifically, to the loading facilities will need to be reviewed by the Planning Commission again, for an alternative solution.

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

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**CUP 95-02**, an application by Joe and Robin Marcinkiewicz for approval to convert a building on Highway 99-E [formerly Roth's Heating] for the manufacture and sales of precision brass mouthpieces and musical instruments. The site is located at 593 S.E. 1st Avenue [Tax Lot 5000 of Tax Map 3-1E-33DB].



Chairman Schrader asked if any Commissioner had ex-parte contact or conflict of interest. Other than visiting the site, but coming to no conclusions, there was none. He then reviewed the hearing process and procedures and referred to the applicable criteria that was posted on the wall.

Bob Hoffman presented the staff report. He explained that the applicant is requesting approval of a manufacturing operation and that under the Code, it needs to be processed as a Conditional Use. The existing structure on the subject site formerly was used as a contractor's shop and for metal working. The applicant proposes to utilize the structure for manufacturing purposes and for retail sales of musical instruments. The remaining open area will be utilized for covered vehicular parking. The proposed manufacturing use is permitted as a conditional use in the C-2 zone and the existing building meets the 10 foot setback requirements for the southern property line. An alley separates the commercial area from the residential area to the south, which is zoned R-2. Other surrounding uses include commercial to the east and west, and Highway 99-E, railroad, and industrial to the north. Mr. Hoffman explained that he visited the applicant's present site in Oregon City and, while there, did witness hammering of the bells of the coronets, which could be heard from outside the building. He noted that the overhead doors were open at the time. The applicant has stated that such noise would continue during the early months, but his intention is to eventually purchase a seaming machine which would eliminate the hammering effect. In staff's opinion, the characteristics of this operation would be less than would be many outright permitted uses in the C-2 zone, such as auto repair, tire shop, machinery equipment, farm repair, service station, etc. Mr. Hoffman then reviewed the conditions of approval which include striping for parking, storm water disposal [which must be handled on-site], approval for ingress/egress from ODOT, the need for a sidewalk and curbs, signs, business hours, and ventilation. Due to staff's concern for the compatibility of this operation to the residential area to the south, Mr. Hoffman explained that he included a condition which limits the hours for the manufacturing operation. Additionally, Mr. Hoffman explained that he has spoken with the Building Official and the Fire Marshal, who will both review the installation of the machinery, especially the plating operation, to ensure they are consistent and meet various Code requirements, particularly related to ventilation.

### **Applicant**

**Joe Marcinkiewicz, P.O. Box 288, Beavercreek 97004** stated that he manufactures brass instruments and is the first company in the world to utilize CAD/CAM computer technology for making mouthpieces. Mr. Marcinkiewicz further explained that he does not make bells every day, which is where the hammering noise comes into play.

Rather, bells are manufactured for about a month, but more on a quarterly or semi-annual schedule than a monthly schedule. Most of the other major tooling does not make noise. The seam roller he intends to purchase will alleviate about 95% of the hammering noise. He did caution that noise is generated by the playing of trumpets, both by himself and by customers who test instruments in the shop. Regarding the driveway situation, the applicant stated that he would like to contact ODOT about retaining both the driveways as it would expedite deliveries of brass, which are delivered every other month in a 45 foot semi. Even if ODOT allows only one driveway, he explained that there is enough room for the trucks to maneuver. Further, the applicant is investigating different, and more attractive, fencing from the chain link that now exists on the site. Such a fence would camouflage the building from the residential area too. Mr. Marcinkiewicz added that he intends to paint the building and add nice landscaping and street trees. He then explained his silverplating operation and explained that he has always been EPA and DEQ approved. The system is close-looped which means there is no contamination going into the sewer; everything is taken away for recycling. As he is not a large generator of any contaminants [under 200 pounds a year], he does not require a DEQ permit.

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

1. The Commission discussed the fact that the driveway approach will require a permit from ODOT after receiving ODOT approval.
2. The Commission discussed the timing of sidewalk installation could be conditioned upon a date certain, and allowed the applicant 12 months to install a permanent sidewalk, until the business is established.
3. The Commission agreed Mr. Marcinkiewicz's business would be an asset to the community.
4. The Commission discussed the number of employees Mr. Marcinkiewicz might potentially employ. Mr. Marcinkiewicz explained he presently has 5 employees, and could expand to 7.
5. The Commission discussed parking and maneuvering for trucks and agreed the layout suggested by the applicant is sufficient.

Based on the finding and conclusions contained in the staff report dated May 12, 1995, on testimony at the hearing, and on Commission deliberations, Commissioner Ewert moved to approve CUP 95-02 with the following conditions:

1. Striping of the vehicle parking and maneuvering area is required. At least seven (7) parking spaces shall be provided, including one handicapped space near the entrance.
2. Storm water design and construction of the paved area of the property shall be approved by the Canby Public Works Department, and a wastewater discharge permit shall be obtained from the treatment plant supervisor.
3. A concrete sidewalk and 6" curb with landscaping, as described by the applicant in his testimony on June 5, 1995, shall be constructed, to be approved by the Canby Public Works Supervisor, within 12 months. A sidewalk may be striped on the current pavement until the permanent sidewalk is installed within 12 months from the date of this Final Order.
4. A sign is approved for the north face of the building, with up to 200 feet of sign area.
5. The hours of the manufacturing operation are limited to between 7:30 a.m. and 9:30 p.m., local time.
6. A driveway approach permit shall be received from ODOT.
7. The Fire Marshal and Building Official shall review and approve the installation of the machinery and plating operations, including, but not limited to ventilation.

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

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**CUP 95-01**, an application by the Church of Christ for approval to construct a single-story church building with seating capacity for 120 people. The site is located on the northwest corner of N.W. 4th Avenue and N. Elm Street [Tax Lot 101 of Tax Map 3-1E-33CC].

Chairman Schrader asked if any Commissioner had ex-parte contact or conflict of interest. Except for visiting the site, but coming to no conclusions, there was none indicated. He then reviewed the hearing process and procedures and referred to the applicable criteria which was posted on the wall.

Bob Hoffman presented the staff report. He explained that the previous approval of a similar application lapsed because the approval was not exercised within the time limit,

as a building permit was not applied for. The applicant is proposing to construct a 74' x 62' church on a newly created parcel at the southwest corner of N. Elm and N.W. 4th Avenue. The street trees were reviewed under the previous application. All street trees for which the arborist recommended treatment have been removed and will be replaced. The site is zoned C-1, Downtown Commercial. Under the Zoning Ordinance, a church is considered to be a part of residential or commercial area development. The site is adjacent to the Canby Pioneer Chapel, which is a designated historic site. All public utilities are already provided in the general area and no service-providers have voiced any negative input. The proposed design makes effective use of the site. Minimum required setbacks are proposed to be met in all directions. Approximately 7-1/2% of the site is proposed to be landscaped. In order to access the site, traffic will utilize Elm Street, N.W. 4th Avenue, and the alley, which will be required to be paved. Thirty two parking spaces are proposed, which is in excess of the standard. Staff recommends approval with conditions.

### **Applicant**

**Jerry Earnhart, 1410 N. Oak Street** explained that the original application was approved in 1993, and the property has since been purchased. After consulting with neighbors, no negative responses have been received whatsoever, he added.

### **Proponents**

**Kevin Smay, 110 N.W. 10th Avenue** stated that he is in favor of the application and is a member of the church's building committee. Mr. Smay explained that the applicant had not been aware that there was an expiration date attached to the approval, and requested that some or all of the current application fee be returned.

**Guy Gibson, 12369 S. New Era Road, Oregon City 97045** stated that he is in favor of the application. He questioned why the existing light pole had to be moved.

### **Neither For Nor Against**

**Brad West, 540 N.W. 3rd Avenue** requested that a proposed planter be relocated in order to enable him to retain access to his garage from the alleyway.

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

1. The Commission discussed proposed condition #2. It was agreed that safety is the main issue the Commission considered, and agreed light poles should be provided, as recommended and approved by the Public Works Supervisor.

2. The Commission discussed moving landscaping to the west of parking space #19 in response to a request from a neighbor who utilizes that portion of property in order to access his garage from the alley.
3. The Commission discussed the trees that were removed after the original application, which lapsed due to time constraints. Mr. Hoffman explained that the trees which were removed were done so after recommendations by an arborist, and will be replaced.
4. The Commission discussed recommending reimbursement of a portion of the application fee to City Council, based on the facts that the church is a non-profit organization and that the circumstances of having to return before the Commission are unique in that the applicant was unaware of the time limitations of a Commission application approval. The Commission requested that staff forward the Commission's recommendation to City Council.

Based on the findings and conclusions contained in the may 12, 1995 staff report, on testimony at the hearing and on Commission deliberations, **Commissioner Gustafson moved to approve CUP 95-01 with the following conditions:**

1. Concrete sidewalks and alley paving and curb repair shall be provided by the applicant.
2. Light poles shall be provided, as approved by the Public Works Supervisor.

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


## ***VII. DIRECTOR'S REPORT***

Staff updated the Commission with regard to site #26 at Village on the Lochs where an additional area was concreted for an additional driveway, pushing the overall site over the 50% cap that was placed on it. Village on the Lochs management has asked staff what an acceptable solution would be. Staff has advised management that either planter boxes could be placed along the driveway to provide visual landscaping, rather than tearing the concrete out. The Commission agreed planter boxes would be okay. The Commission discussed amending the ordinance to include holding the owner of the property accountable for unapproved changes by the tenant, to insure tenants are aware of what is permitted and what is not permitted.

**VIII. ADJOURNMENT**

The meeting was adjourned at 10:50 p.m.

Respectfully submitted,

  
Joyce A. Faltus