

MINUTES
CANBY PLANNING COMMISSION

Regular Meeting

June 26, 1995

7:30 p.m.

APPROVED

I. ROLL CALL

Present: Commissioners Gustafson, Jackson, Ewert and Maher.

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

Others Present: Hans Ettlin, Bob Thrapp, George Wilhelm, Mark Crorey, Pat Watson, Pattie Flagg, Larry Craff, Jack Stark, Chuck Crase, Maynard Harding

II. MINUTES

The minutes of May 22, 1995 were approved, as amended.

On page 3, under the discussion regarding the denial of the Faist annexation, the Commission discussed reasons for denying the annexation and wanted the discussion to reflect the May 22 discussion regarding residential development centering in the southeast quadrant, causing an imbalance of development in the City, and that residential development should be centered more uniformly throughout the City.

III. CITIZEN INPUT ON NON-AGENDA ITEMS

None

IV. COMMUNICATIONS

None

V. NEW BUSINESS

None

VI. FINDINGS

None

VII. PUBLIC HEARINGS

DR 95-09, an application by Mark Crorey [applicant] and Michael Vigus [owner] for approval to construct a 2,492 square foot building to be used for either retail commercial use or office use. The property is located on the northwest corner of S. Ivy and S.W. 2nd Avenue [Tax Lot 8000 of Tax Map 3-1E-33CD]. *Continued from June 12, 1995*

Acting as Chairperson, Commissioner Maher asked if any Commissioner had ex-parte contact or conflict of interest. Other than visiting the site, but coming to no conclusions, none was indicated. Commissioner Maher then reviewed the hearing process and procedures and indicated the applicable criteria, which was posted on the wall.

Mr. Wheeler presented the staff report. He explained that the applicant proposes to construct a 2,492 square foot commercial/retail building on a 8,000 square foot lot. The proposal originally indicated access off Ivy Street, but was redesigned for this application in response to concerns from the County, Public Works, and the Police Department. The use proposed is compatible with the Highway-Commercial zone within which it is located. There is a house in poor condition immediately to the west with a wrap-around porch. The easternmost eave over the wrap-around porch roof overhangs this property by about 1-12 feet. The building itself is setback approximately 2 feet from the property line. A firewall will be constructed along the western wall of the building which, due to property limitations, will be constructed on the northern portion of the lot, with the entrance facing south toward the parking lot which accesses onto S.W. 2nd Avenue. The access needs to be at least 50 feet from the street corner edge of pavement on S. Ivy. The lot is 80 feet wide and the edge of pavement is approximately 9 feet from the property line along S. Ivy. There is a 20 foot setback off S. Ivy. On the site plan, the driveway access is shown to be 15 feet; 20 is required for a proper two-way ingress/ egress. The eastern edge of the 20 foot driveway being 50 feet from the edge of S. Ivy would locate the western edge of the driveway approximately one foot from the western parking spaces. There are 12 proposed parking spaces, which is sufficient for any use other than a medical office. The northeastern-most parking space, which is opposite the handicap space, does not leave enough turnaround area for a handicap vehicle. Either the entrance to the building would have to be located further east, which would then relocate the 4 foot walkway and provide more room for the handicap parking space maneuvering, or the northeastern-most parking space would have to be eliminated, thereby providing the needed turning area. Mr. Wheeler

suggested revised wording for a proposed condition regarding the parking space changes. An automobile body shop is located to the north, the Canby Telephone Association storage lot is located to the east across S. Ivy, and a residential home is located on the south side of S.W. 2nd which is also zoned Highway-Commercial. An existing utility pole is located in the middle of the driveway. Since this is an end utility pole with a guy wire, a second pole could be added to extend the line and, therefore, relocate the guy wire so as not to be located in the driveway, or the existing pole could be relocated. Mr. Wheeler described architecture, color, design, and materials of the building. No signage is proposed for the building itself, although a pole sign is proposed to be placed toward Ivy Street, about 15 feet high, and approximately 8 feet by 10 feet in size. At the present time, the building is considered a "spec" building as no specific tenant or use is proposed. In reviewing the proposal, it was found that the parking lot is not large enough to be required to meet the minimum landscape requirements for parking lots. Landscaping includes retaining the 2 Locust trees which presently exist on the site, and removing the Oak and Holly trees, with the remainder to be the lawn.

Applicant

Mark Crorey, 925 N.E. 34th Avenue stated that he did not own the house adjacent to the subject property, that the owner uses it for his business. Mr. Crorey stated that the structure adjacent to the subject site is not a 'house.' He pointed out that there is no roof on part of that structure; that part of the roof is metal, which certainly isn't historical in nature. Mr. Crorey pointed out that in order to be included on an Historic Registry, a structure must be maintained in its original condition. To be included in the National Historic Registry a structure must be substantiated as historically significant and it must also be significantly maintained in its original condition. He pointed out that the structure in question is in very poor condition, nowhere near its original condition, and is used as a warehouse for the owner's welding business materials and is not used as a residence at all.

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

1. The Planning Commission discussed the proposal as it relates to the building on the property to the west. Since the west side of the proposed building will be within 1-1/2 feet of the front porch of the existing home located on the property to the west, it was agreed that the design and location of the proposed building is not sensitive to, or compatible with, the design and location of the house, nor its entrance. Mr. Crorey pointed out that the porch on the existing structure has a 1-1/2 foot encroachment on the property, so the entrance would have to be different.

2. The Commission discussed the firewall. It was agreed the firewall, which abuts the front porch of the adjacent structure, could seriously impede the use of the adjacent property. \ Mr. Wheeler explained that the firewall would be 6 inches from the eave over the porch, which is permitted in a commercial zone. He explained that the print shop next to the library on N.W. 3rd actually abuts the library wall.
3. The Planning Commission discussed the size of the proposed parking lot and found that it is too compact for the size of the building, considering that the building does not have a designated specific use at this time. The design of the parking lot is such that when implemented, vehicular conflicts are likely to occur.
4. The Planning Commission discussed the proximity of the access drive for the parking lot to the intersection of S. Ivy Street and S.W. 2nd Avenue, and agreed it was too close to the intersection, as this section of S. Ivy Street is a very busy section of the street, and locating a parking lot access drive as close as fifty (50) feet is not safe, nor is it prudent.
5. The Planning Commission discussed the fact that Clackamas County has included the adjacent building on its list of historic structures. The Commission agreed that development of the proposed use obliterates any potential use of the adjacent building as a historic property, referring specifically to Environmental Policy 6-R. One Commissioner did not agree that the structure should be considered historically valuable, pointing out that if everything that was worthless was removed, there would be little remaining other than the foundation. Staff explained that the Clackamas County list of historic structures has not been adopted by the City as being significant and any historical significance that the structure might have is unclear, in light of the poor condition of the structure.
6. The Planning Commission discussed the width of S. Ivy. Staff explained that the 60 foot right-of-way width is consistent not only with the rest of S. Ivy Street, but also with the Transportation Systems Plan. Further, staff explained that it is a County road within the City of Canby road system, and that the County is trying to give the City all the County roads within the City, but does not plan to upgrade them to meet City road standards.
7. The Commission discussed the trees on the lot. Mr. Wheeler explained staff was not supporting the removal of the Locust trees. The Holly and the Oak trees would have to be removed to construct the parking lot and the Maple appears to be suspect in condition.

9. The Commission discussed its concerns regarding the size of the lot in proportion to the size of the development. It was agreed such a development on such a small lot would appear aesthetically unbalanced.
10. The height of the proposed pole sign was discussed.

Based on the findings and conclusions contained in the staff report dated June 16, 1995, on testimony at the hearing, and on Commission deliberations, **Commissioner Ewert** moved to deny DR 95-09 based on **Section B** of the **Site and Design Review** criteria, where the proposal is not compatible with other development in the same general vicinity and also based on **Section C**, on traffic congestion issues, the size of the parking lot, and on the proximity to the existing building. **Commissioner Jackson** seconded the motion and it carried 3-1 with **Commissioners Maher, Ewert, and Jackson** voting yes, and **Commissioner Gustafson** voting no.

Mr. Crorey pointed out that notification of his application and proposal was sent to all adjacent neighbors and no opposition to his proposal was received. **Commissioner Ewert** stated his concern about the visual appropriateness with the existence of a firewall, should the house be demolished and another structure built.

SUB 95-04, an application by **Regan Enterprises** for approval to develop **Phase 8** of **Township Village**, a 97-lot subdivision. The site is located south of **S.E. 7th Avenue**, west of the western ends of **S.E. 8th, 9th, and 10th Avenues**, and north of the **Philander Lee and Ackerman Junior High** campuses [Tax Lots 4800 of Tax Map 4-1E-4AA and Tax Lot 700 of Tax Map 4-1E-4A].

Acting as Chairperson, **Commissioner Maher** asked if any **Commissioner** had ex-parte contact or conflict of interest. Other than visiting the site, but coming to no conclusions, none was indicated. **Commissioner Maher** then reviewed the hearing process and procedures and indicated the applicable criteria, which was posted on the wall.

Mr. Wheeler presented the staff report. He explained that the site is 17.5 acres and was originally planned as **Phases 8, 9 and 10** of **Township Village**, but has been combined into one phase, the last phase of **Township Village**. The 97 lots will range in size from slightly more than 7,000 square feet to 14,000. 1. The parcel is zoned **R-1, Low Density Residential** and is proposed to be developed with single family residential structures. The **Comprehensive Plan** land use designation of the subject parcel is **Medium Density Residential**, which is a higher designation than the current zoning and the proposed development. Many single-family residential developments

have occurred in medium- and high-density residential zones, thereby lowering the overall residential density of development below the calculations used in the Comprehensive Plan to calculate the amount of land needed. Residential developments that have higher densities than the Comprehensive Plan calculations help to balance out the overall residential density of development. The proposed development density for the subject parcel (at 5.7 lots per acre) is higher than the Comprehensive Plan "density assumption" used to estimate the amount of area that is needed for low density residential areas (4.7 lots per acre), but this density is substantially lower than that of the Comprehensive Plan "density assumption" used to estimate the amount of area that is needed for medium density residential areas (8.0 units per acre). He pointed out that the "density assumptions" are *averages* with some areas developing above the "average" and other areas developing below the "average" and that the project density [5.7 lots per developable acre] is comparable to those of the surrounding subdivision developments. The current use of the property is for Christmas tree farming. The majority of the trees on the site have already been harvested, and the remaining trees are expected to be harvested prior to construction.

The proposed development is compatible with the surrounding land uses. To the west are commercial uses that front on S. Ivy Street. The Philander Lee school and the open space/play areas of the Philander Lee and Ackerman schools are to the south. Previous phases of Township Village are to the north and the east.

The Transportation System Plan calls for a connection between S.E. 10th Avenue and S. Ivy Street, and although there are some concerns about traffic safety at that intersection, no specific designs for that connection have been submitted for review yet. That connection has been discussed previously during other Township Village phases but, at the present time, right-of-way is not available across the land between Township Village and S. Ivy Street to build this connection. Since a connection is desired, and is shown in the City Council-approved Transportation Systems Plan, right-of-way for a future connection is needed, to be forty (40) feet wide, starting at the intersection of S. Larch Street and S.E. 10th Avenue, and ending at the southwestern corner of the property. There is room for the right-of-way dedication from the 14,474 and 11,263 square foot lots at the southwestern corner of this site. A walkway is proposed, and staff recommends it be retained [within the right-of-way]. Mr. Wheeler indicated where, in compliance with the ordinance, two walkways are required off S.E. 10th, as it is in excess of 1,200 feet long. According to the ordinance, one walkway is required on the block between S.E. 8th and S.E. 9th, and between S.E. 9th and S.E. 10th from Lupine to Pine, as they are in excess of 800 feet. The Fire Marshal has recommended an additional fire hydrant be installed, in addition to what is proposed. Staff contacted the school district in response to concerns regarding school capacity that were expressed by the Commission. After taking into consideration all approved land use applications, pending land use applications, building permits issued over the last six months, this

development, the proposed 209-lot subdivision to the east of this site, and school district enrollment figures, the school district had 380 available seats in K-5, and 280+ seats in 6-12 grades. The subdivision meets the solar ordinance in that ninety-two percent of the homes meet the basic solar requirements. Staff recommends approval, with conditions.

Applicant

George Wilhelm, 546 S.E. Township explained that Phases 8, 9 and 10 were combined into one phase, Phase 8, because the market is good in Canby for selling homes, because there is a lot of development occurring, and because with each phase of Township Village changes were made to the Master Plan, bringing up the costs of development. The developers also believe the time is right to finish up the Township Village project and finally connect the streets. Additionally, the trees are near harvestable and very marketable at this time, and much of Phase 8 has been clear cut, allowing for construction to begin in early spring, 1996. Combining the three phases, he added, is more economical from an engineering point of view and planning point of view. Most of the lots in each phase, he explained, have been sold before the improvements were in. In general, Mr. Wilhelm added, the applicant concurs with the staff report. With regard to the walkways, he explained that it might be worthwhile to consider the proposed locations of the walkways because one nearer to the intersection might serve more people more efficiently. With regard to the 40 foot dedication, Mr. Wilhelm stated that there has been a number of discussions on that issue. Mr. Wilhelm pointed out the original 40 acres of land that Regan Enterprises purchased, then showed where each phase of Township Village was located and explained that after Phase 2, the City required an additional access for the project and discussions for providing the second access were held with the school district. The Regans then purchased a 30 acre parcel which ran from Township to 13th and proposed access to 13th and another to Township and one to Redwood. When Phase 4 was developed, the City requested a connection to S. Knott. Since then, the applicant believed access to

S. Ivy was no longer an issue, having fulfilled all the other City requirements through this development, including numerous changes to the master plan to conform to various ordinances even though the ordinances came into effect after the master plan was originally submitted. If the applicant has to dedicate a 40 foot right-of-way for the Ivy connection, one lot would be lost. Although there are two lots at the end of a relatively large area, they have very little frontage and, in fact, are close to the minimum frontage required. Losing one lot would raise the price of the remaining lots by approximately \$400 each. The applicant contends that the 4 accesses are adequate, and provide good circulation within Township Village. Access out to a high traffic commercial area like S. Ivy would be unsafe and reduce security within the development.

Proponents

None

Opponents

None

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

1. The Planning Commission discussed the right-of-way dedication between S.E. 10th Avenue and S. Ivy Street and, because there appears to be no solution to the concerns about safety at the proposed intersection of S. Ivy/S.E. 10th, agreed it is not needed at the present time. The Commission pointed out that the applicant made a lot of effort to enable traffic to flow efficiently with four accesses.
2. The Commission discussed the economic impacts the developer would suffer by having to dedicate rights-of-way for the intersection connection. Mr. Wheeler explained that reduced frontages are permitted with a half cul-de-sac [see design], according to ordinance, as long as the lots are still accessible and buildable. With the right-of-way dedication, the average lot size for the two lots would be approximately 9,000 square feet.
3. The Commission discussed the walkway right-of-way and agreed there were no objections to having walkway rights-of-way.
4. The Planning Commission discussed the centerposts for the walkway between the corner of S.E. 10th Avenue and S. Larch Street and S. Ivy Street and agreed emergency vehicle access was necessary in order to provide better access to this portion of the subdivision.
5. The Commission discussed the 5.9 acre park. Mr. Wheeler explained that the acreage has already been dedicated to the City and, therefore, could not be conditioned to be maintained by the Homeowners' Association. Further, he explained that it is not, technically, a part of this subdivision proposal.
6. The Commission discussed the impact this subdivision would have on traffic at the intersection of S. Ivy/S. Township and on S. Ivy Street and on Township Road, individually. Mr. Wheeler explained that neither the 209-lot proposed

subdivision proposed to the east, nor this subdivision, would bring the level of service up to Level "E." Level of service "F" would trigger a left turn lane onto Ivy from Township, but that the levels would be rising with all the new development in the area.

7. The Commission questioned whether truck traffic could be eliminated from the residential connection at S.E. 10th and S. Ivy if the SE 10th/S. Ivy intersection was constructed. Mr. Wheeler explained that traffic restrictions are not a part of subdivision approval.
8. The Commission discussed the school capacity issue, with regard to building permits that have been issued Citywide and lots that are approved for building. The Commission agreed it was necessary that City Council, the Commission, and the school board continue communicating regularly regarding land use planning and how it relates to school capacity.
9. The Commission discussed the alignment of the walkways and on a 3-1 straw poll, voted to align the walkways as staff proposed.
10. The Commission discussed street trees. Staff advised the Commission that street trees were not required prior to Township Village Phase 6. At the present time the homes in phase 6 are nearly completed, at which time the street trees will be planted.

Based on the findings and conclusions contained in the June 16, 1995 staff report, testimony at the June 26, 1995 public hearing, and on Commission deliberations, **Commissioner Jackson moved to approve SUB 95-04 with the following conditions:**

For the Final Plat:

1. Twelve (12) foot utility easements shall be provided along all exterior lot lines. The interior lot lines shall have six (6) foot utility easements as proposed.
2. The final plat shall reference this land use application - City of Canby, File No. SUB 94-05, and shall be registered with the Clackamas County Surveyor's Office and recorded with the Clackamas County Clerk's Office. Evidence of this shall be provided to the City of Canby Planning Department prior to the issuance of building permits requested subsequent to the date of this approval.
3. 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.

4. The walkway that is proposed to be between lots 96 and 97 shall be located between lots 94 and 95.
5. Two additional walkways shall be located as follows:

between lots 132 and 133, and lots 158 and 159, and,
between lot 163 and 164, and lots 187 and 188

As a part of construction:

6. A pre-construction conference shall be held prior to construction. The pre-construction plans shall be reviewed and approved by the Canby Utility Board, the Canby Telephone Association, and the City prior to the pre-construction conference. The City's review and approval shall be coordinated through the Planning Office. The construction plans shall include the street design, storm water, sewer, water, electric, telephone, gas, street lights, mail boxes and street trees. The street tree planting location shall be determined as a part of the pre-construction review process.
7. Any necessary utilities shall be constructed to the specifications of the utility provider.
8. One additional fire hydrant shall be provided on the common property line of lots 109 and 110.
9. Street name and traffic control signs shall be provided at the developer's expense. This shall include "Stop" street signs where required by the Director of Public Works.
10. 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.
11. The construction of the sewer system and street storm water system for the subdivision shall be approved by the Public Works Supervisor.
12. The local roads shall be constructed to the City specifications and standards. The improvements shall include the street, curbs, sidewalks, street lights and street trees.
13. The sidewalks shall be located against the curb, and shall be five-feet wide, including the curb. Where mailboxes, newspaper boxes or other obstructions (such as fire hydrants) 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. The sidewalks that are adjacent to the existing sidewalks shall be adjusted from the existing sidewalk setback of two feet to the new location against the curb. This adjustment shall occur in the shortest distance that is practicable.

14. The walkways shall be paved ten (10) feet wide. A solid or "good-neighbor" wood fence shall be constructed on both sides of each walkway. The fence shall be six (6) feet high, except within twenty (20) feet of the front property lines. Within twenty (20) feet of the front property lines, the fence shall be three and one-half (3-1/2) feet high. A concrete or metal post shall be placed in the center of the entrance to each walkway. The concrete sidewalks shall continue across the front of the entrances, with a handicap accessible ramp to the street. A center post shall be placed at the southwestern end of the walkway that will be constructed in the right-of-way between lots 105 and 106. The center posts that will be between lots 105 and 106 shall be emergency vehicle accessible.
15. A six-foot high, chain-link fence shall be constructed along the subdivision's boundary with the school properties to the south, except for the walkway entries. The fence shall also be constructed along the boundary between Township Village Phase VI and the school properties.
16. The type of street trees to be planted are as follows:

S.E. 10th Avenue	Kwanzan Cherry
S.E. 9th Avenue	Krauter's Vesuvius Plum
S.E. 8th Avenue	Yoshino Cherry
S. Lupine Street	Eastern Redbud
S. Larch Street	Summer Snow Japanese Tree Lilac

The trees shall be planted eleven (11) feet from the street curb.

Prior to the signing of the Final Plat:

17. The subdivision development fee, as provided in the Land Development and Planning Ordinance Section 16.68.040(C), shall be paid.
18. 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 subdivision 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.
19. Included in any Covenants, Conditions, and Restrictions filed with the subdivision, shall be wording that states that street trees are permitted, and will be planted, within the utility easement along the street frontage. If no other CC&R's are filed with the subdivision, then this wording shall be filed individually. A copy of the CC&R's to be filed with the subdivision shall be submitted to the City Planning Department with the Final Plat prior to the signing of the Final Plat.

20. One of two options shall be fulfilled for the planting of street trees prior to the signing of the final plat: Option 1; a contract, with a licensed landscape contractor, shall be executed. The contract shall include the City as the contractee: Option 2; the developer shall pay the City \$18,480 for the 112 trees to be planted (\$165 a tree). If option 2 is chosen, the City becomes responsible for the planting of the street trees.

After construction:

21. "As-built" drawings shall be submitted to the City within sixty (60) days of completion. A copy of the "as-built" drawings shall be submitted on a computer disk in an autocad format.
22. Garages shall be set back a minimum of nineteen (19) feet from the back of the sidewalk. The distance shall be measured from the closest edge of the sidewalk at the driveway.
23. The final plat must be submitted to the City within one (1) year of the approval of the preliminary plat approval according to Section 16.68.020.
24. The approval will be null and void if the final plat is not submitted to the County within six (6) months after signing of the plat by the chairman of the Planning Commission (Section 16.68.070).

Commissioner Gustafson seconded the motion and it carried 3-1, with Commissioner Ewert voting nay because the project would be too much of a burden on the traffic system and because it was his opinion that the schools would be overburdened.

DR 95-11, an application by Peck, Smiley, Ettlín Architects [applicant] and Canby Fire District No. 62 [owner] for approval to construct a 14,215 square foot 1-story masonry fire station with double loaded 5-bay apparatus bay, administrative offices, living quarters, and meeting space. The site is located on the west side of S. Pine Street, between S.E. 2nd Avenue and S.E. 3rd Avenue [Tax Lot 804 of Tax Map 3-1E-33DA].

All people in attendance had been present when the public hearing process and procedures were explained. Acting Chair Maher asked if any Commissioners had ex-parte contact or conflict of interest. Other than visiting the site but coming to no conclusions, none was indicated. Commissioner Maher stated her husband is a volunteer fireman, but they did not discuss the application at any length, nor would it color her decision in any manner. No one in the audience had any questions with regard to her ex-parte contact.

Mr. Wheeler presented the staff report. He explained that the fire department is proposing to build a 14,215 square foot building on a site that is 2+ acres. The site is located in an R-1 zone, and the use is permitted outright. The property is one that will benefit from the Logging Road Industrial Park road improvements. Therefore, reimbursement for the improvements will need to be paid. To the south, there is an undeveloped area that is approximately 22,000 square feet which would provide a "buffer" between the proposed fire station and the manufactured home park to the south. To the west, there is only a small strip of land that would separate the proposed fire station from the manufactured home. Thirty-four parking spaces are proposed on the site, although only 22 are required, in order to be able to accommodate vehicles brought by volunteer firefighters. Visitors and staff will primarily use the southern parking spaces, while volunteers will primarily use the northern parking area. There are three accessways from S. Pine Street, two of which will be used for passenger vehicles and returning emergency vehicles, and the third, the center access, will be used for emergency vehicle egress only. City Attorney Kelley has interpreted the Code to mean that the standards set forth in the ordinance are the minimum standards. Therefore, the Commission could condition a wider driveway than is proposed if the proposed size appears insufficient to protect the public health, safety and general welfare, but must be justified by specific findings. In staff's opinion, adequate findings have been made to justify the 80 foot driveway width for the emergency vehicle egress. A traffic signal is scheduled to be installed at the intersection of S. Pine/Highway 99-E. The traffic engineer recommended that an emergency vehicle preemption be installed for the signal and staff recommends that if approved, the Commission should recommend same by adding a note at the end of the conditions. Staff further recommends that the fire station should not be occupied prior to the installation/operation of the traffic signal. The applicant has submitted a very detailed description of the architecture of which the primary material is painted, split-face concrete block in a tan color. The curved sign wall is proposed to be a red brick color, approximately 270 square feet [90 feet in length], which is far in excess of the 60 square foot sign that would be permitted in a residential zone, and which is not necessary for the function of the station. Staff recommends that the Commission approve the smaller signage that has also been proposed for the curved wall totalling 60 square feet, covering the two ends of the curved wall, which meets the sign code. A redesign of the stormwater system has been recommended by the Public Works supervisor as the design calls for excessively deep drywells. Lighting has been designed to minimized adverse impacts on residential property to the west. Thirty-four percent of the developed site is in landscaping. Nineteen trees have been provided, which must be within ten feet of the parking area. An elaborate landscape plan has been provided, but the required street trees along S. Pine are not depicted on the plan. Staff has suggested the layout, trying to allow for additional clearance for exiting emergency vehicles. Concerns regarding noise has been expressed because a significant amount of buffering has not been provided. The site will be surrounded by a chain link fence with slats along the western property line and some trees, which will not provide any significant reduction in the noise level. Significant landscaping is proposed in the northwestern corner of the site, which would provide some additional buffering. Staff recommends approval with conditions.

Applicant

Hans Ettlín, 1220 S.W. Morrison, Portland 97205 stated that his firm was retained by the fire district to design the new fire station. The fire station was mainly designed with site circulation in mind, he explained. Mr. Ettlín further stated that he concurs with the staff report except with regard to smaller signage. The larger sign is compatible with the modern building design, aesthetically pleasing, adds to the civic image, and is an integral architectural element of the building, he stated, citing famous precedents for this line of thought. Further, Mr. Ettlín stated that he believes it is in the best interests of the City to approve the larger sign. Regarding the noise element, he explained that his firm has found many ways to deal with the noise issue, having built 12 other fire stations statewide. The building, he added, is essentially used as the buffer and the mechanical apparatus will exit away from the residential areas, thereby controlling much of the noise. Mr. Ettlín explained that, in his experience, working with sound control engineers, landscaping does not provide any sound buffering, no matter how dense it or what type of materials are used. The only good sound barrier material would be dense masonry, or another very dense material.

Jack Stark, Fire Chief, Canby Fire District stated that he can relate to the neighbors' concerns regarding noise. Noise from sirens and other electronic noise-making equipment can easily be controlled by written district policy, he added. The equipment is not used other than when danger threatens either fire district staff or equipment, or for the short time it takes to notify traffic when they enter an intersection; otherwise, lights are generally used as warning devices. There have never been any complaints received at the present location, which has been in existence for more than 40 years. Mr. Stark pointed out that the trains going through town make a lot more noise than fire district equipment. When money becomes available, the district eventually hopes to use the vacant portion of the site for training purposes but for the present time, only an antique engine will be on that portion of the site.

Proponents

None

Opponents

Pat Watson, Canby Manor, 835 S.E. 1st Avenue stated that although she is in favor of locating the fire station at this site, she is concerned about noise buffering. She indicated where her development is in relation to the proposed fire station, which is a 24-hour round-the-clock operation, and the railroad tracks. The proposed 6 foot high chain link fence is neither adequate visually, or as a noise barrier, she explained. Ms. Watson explained that residents of the Manor would be impacted by the sirens and truck noise from the site, and because the routing pattern for vehicles is within 15 to 20 feet of some units' bedroom windows. Since the fire station is a commercial use next to residential use, she requested some type of sound or

acoustical treatment be required, a 'good faith' sound barrier. Further, she explained, Canby Manor is a totally residential high density "55-and-older" senior park. Ms. Watson requested that a solid 8 foot masonry or concrete barrier be installed.

Chuck Crase, 835 S.E. 1st Avenue, Space #70 stated that a sound barrier is definitely needed, especially as his bedroom window will be about 20 feet from the edge of the fire station site. The noise will affect the entire Canby Manor site, he added, and a chain-link fence will not be sufficient. A 10 foot high sound obstructing fence is what is needed, he stated, not a chain link fence with slats.

Maynard Harding, 835 S.E. 1st Avenue stated that even though residents have to put up with the railroad, it is not necessary to do so with the fire department, unless a noise barrier is constructed.

Mrs. A. Harding, 835 S.E. 1st Avenue concurred with Maynard Harding's testimony.

Nelson Bailey, 835 S.E. 1st Avenue, Space #55 said that his site is at the southern part of Canby Manor and the noises from the railroad and the highway still have a big affect on his lifestyle. He would be closer to the fire station than to the railroad or highway, and a sound barrier, approximately 10 - 12 feet high and at least 1 foot thick might keep the noise from disturbing the older residents.

Rebuttal

Hans Ettlín stated that he is not insensitive to the needs of adjacent neighbors, but that sound control is a very inexact science. He further stated that even if the requested type wall was constructed, it could possibly amplify other sounds not from the fire station. The cost of such a barrier could be \$15,000 - \$20,000 more than a chain link fence. A reasonable compromise might be a conditional, revocable condition of approval that states that after 6 months, if the residents are unhappy with the performance of the fire department, in terms of the relationship of the noise immediately to the west property, that noise abatement mediation should be considered. It is too early to assume that the modern-day, well-insulated fire trucks will have a problematic affect. Mr. Ettlín explained that under even under ideal circumstances, a 10 foot masonry fence does not necessarily contain the noise source, but contains the directional linearity of it. Noise acts, he added, similar to light rays in that they tend to bounce off in an angle of instance. More sound could bounce back than is created by the trucks, he added. A better solution might be not to build a wall, or to construct a more diffuse type of wall to disperse the sound, rather than trying to control it. The small openings in a baffle wall allow portions of the sound to be deflected in all directions and the angle could possibly be controlled to deflect away from the mobile home park.

Mrs. Watson stated that if the Commission has any question about other materials in the building industry that are designed specifically to deflect noise such as this, further study should be undertaken for the Commission's benefit. The Commission did not feel it needed further information in order to deliberate toward a decision.

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

1. The Commission discussed the 22,000 square feet of undeveloped land immediately to the south. Staff advised the Commission that the fire district owned that land and the applicant does not intend to develop it at this time. The trees along the eastern portion would not be removed.
2. The Commission discussed the intent of the sign code, particularly the size regulations which regulate commercial competition for advertising space and visibility. The Commission agreed the code is not intended to limit the size of signage for a public facility such as a fire station and that the need for clear and visible identification of the fire station, for the public at large, is paramount and supersedes the need for limitation of size of signs for a residentially zoned property.
3. The Commission discussed the need for additional noise control or buffering between the fire station and the manufactured home park to the west. It was agreed that the amount of noise reduction that could occur may not be justified by the additional cost for the noise reduction barriers. The Planning Commission agreed that a trial period of six months, in order to determine whether the need for noise reduction is paramount, is the most prudent course. A bond for the construction of a sound barrier could guarantee the commitment to provide the barrier if it was determined by the Planning Commission to be warranted at the end of the six month trial period.
4. The Commission discussed the public facility room and whether it would be available for public meetings. Mr. Stark said it could be, but that over the last few years, CPR and first aid classes were conducted there for the fire department and for businesses who conducted them to meet OSHA regulations.
5. The Commission discussed the width of the emergency vehicle egress and agreed with staff's recommendation for an 80 foot width.

Based on the findings and conclusions contained in the staff report dated June 16, 1995, on all testimony presented at the June 26, 1995 public hearing, and on Commission deliberations, **Commissioner Gustafson** moved to approve DR 95-11 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 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 of planting, and irrigation plans.
3. 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. The Kinnikinnick and cotoneaster groundcovers shall be planted 2' o.c. and 4' o.c., respectively, unless the size of plants to be planted warrants a wider planting spacing.
4. Four (4) 'Cleveland Select' Norway Maples shall be planted along S. Pine Street. The Maples shall be planted as follows: 1) within twenty (20) feet of the southeastern property line's intersection with S. Pine Street; 2) approximately forty (40) feet north of the southern passenger vehicle driveway approach; 3) approximately thirty-five (35) feet north of the northern edge of the emergency vehicle driveway approach; and 4) within thirty (30) feet of the northern property line's intersection with S. Pine Street. All street trees shall be planted six feet behind the sidewalk, and shall be at least 2" caliper trees when planted.
5. The Chanticleer Pear trees for the northern parking lot entrance shall be moved to the southwest and northwest, respectively. The new location shall be at the end of the first parking spaces on either side of the entrance.
6. The planter sizes for the courtyard cherry trees shall be a minimum of four (4) feet by four (4) feet.
7. The emergency vehicle driveway approach shall not be larger than eighty (80) feet.
8. The sanitary sewer lateral shall be six (6) inches in diameter up to ten (10) feet inside the property line. A second sanitary sewer cleanout shall be placed five (5) feet from the foundation of the building.

Prior to Occupancy:

9. The traffic signal at the intersection of Highway 99-E and S. Pine Street shall be constructed and operational prior to occupancy of the fire station.
10. Fire station signs shall be provided on both approaches to the fire station of Pine Street. These signs shall be placed in accordance with the Manual on Uniform Traffic Control Devices (MUTCD Sign number W11-8).
11. A bond, or similar security approved by the City of Canby attorney, shall be submitted to the City for the construction of a sound barrier along the common property line between the Fire Station and Canby Mobile Manor. The bond shall include the City of Canby as the first party to the secured funds. The amount of the bond shall be 110% of an estimate (that will be provided to the City with the bond submittal) for a six-foot sound barrier wall that includes baffling. The bond shall be in effect for one (1) year after occupancy of the fire station. After six (6) months, the Planning Commission shall review the situation and decide whether or not the sound barrier is required.

Other Notes:

12. The Planning Commission strongly recommends that the construction of the traffic signal at the intersection of Highway 99-E and S. Pine Street include the capability for emergency vehicle preemption.
13. The advanced financing reimbursement charge will be due upon issuance of the building permit. The principle amount owed is \$5,723.79. Interest accrues at \$0.954 per day. The amount owed as of June 15, 1995, is \$5,998.53. The principle plus interest can be paid at any time up to the issuance of the building permit.
14. The storm water drainage system may need to be redesigned to avoid future drainage problems. The Public Works Department has stated that they will not be willing to help correct any future problems with the storm water drainage system if it is constructed as proposed.

Commissioner Ewert seconded the motion and it carried unanimously.

VII. DIRECTOR'S REPORT

Mr. Hoffman explained that two new Planning Commissioners were appointed, James Larson and Brad Gerber.

VIII. ADJOURNMENT

The meeting was adjourned at 11:05 p.m.

Respectfully submitted,


Joyce A. Faltus