

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

APPROVED

I. ROLL CALL

Present: Vice-Chair Mihata, Commissioners Gustafson, Jackson, Ewert, Gerber and Larson.

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

Others Present: Jerry Barkman, Richard Rothweiler, Dean Christy, Jim Hefflinger, Wayne Askew, Patti Flagg, Larry Graff, Michael Gower, Earl Kisler, Donna Jean McManamon, Belva Clark, Derek and Pat Hills, Shirley Regan, George Wilhelm, Bob Kauffman, Wayne Scott, Christine Dean, Tracy Boyce, John Stout, Carl and Judith Soles, Ron Holm, Guy Owen.

II. MINUTES

The minutes of June 12, 1995 were approved, as submitted

III. CITIZEN INPUT ON NON-AGENDA ITEMS

None

IV. COMMUNICATIONS

None

V. NEW BUSINESS

Pumpco Distributors - Staff explained that Pumpco is requesting an extension of one year on their bond to complete the parking lot paving and accessway. Pumpco will concrete the parking lot and access, which is more expensive, and would like time to raise the money.

Jim Hefflinger, 25277 S. Hughes Lane, Canby explained that Pumpco is the wholesale distributor of agricultural and domestic water well systems. He explained that the heavy rains during the winter and spring have reduced business by forty percent and there isn't enough capital to keep the current employees and pave the parking lot. Rather than pave the parking lot at the present time, Pumpco would prefer not to lay employees off. The parking lot and access, which are currently graveled, would be concreted because it is a better surface for tractor-trailers to turn on, as the tires dig into asphalt in the hot weather, causing pot holes. Furthermore, Mr. Hefflinger stated he would take out another performance bond, as it will cost Pumpco an additional \$8,000 to have it concreted. The Commission agreed to extend Pumpco's bond another year, to September 15, 1996.

VI. FINDINGS

ANN 95-01 - Kolberg/Jones

The Commission held a lengthy discussion, which included the following issues:

1. The Planning Commission discussed the viability of the property for farming. After comparing the site with other properties similar in size, with similar soils, with a commercial irrigation well, the Commission agreed that the property is economically viable agricultural land. Agricultural operations specifically mentioned were the properties located north of Territorial Road, west of Maple Street, Wright's Nursery along Township Road, and Tofte's property south of S.E. 13th Avenue. Although the subject property does not have a commercial well, permits to develop such a well are obtainable.
2. The Planning Commission discussed the Environmental Concerns Element of the Comprehensive Plan, specifically Policies 1-R-A and 1-R-B, and agreed that the application conflicts with those policies due to the following reasons: a) the subject property is viable agricultural land; b) it is economically feasible to farm with appropriate investment in available infrastructure; and c) less productive or smaller lands can be annexed into the City prior to the subject property.
3. The Planning Commission discussed the current use of the site and agreed that the site is an appropriate size for an economically feasible agricultural operation, especially as approximately 40 acres is currently being farmed. The Commission further agreed that good land use planning dictates that larger areas of farmland should be reserved and be annexed into the City after Priority A and B lands. Further, the Commission agreed that there are other economically viable agricultural operations which are similar in size or smaller.
4. The Planning Commission discussed the availability of lands in the Priority "A" and Priority "B" classifications. It was agreed that there is sufficient land in the "Priority A" and "Priority B" lands that have yet to be annexed into the City. More

specifically, 82.9% of the "Priority A" and 79.2% of the "Priority B" low density residential lands that were available in 1984 have yet to be annexed into the City. After reviewing a chart denoting priority lands in the "A" and "B" and "C" phasing categories, the Planning Commission agreed that the total acreage of "Priority A" and "Priority B" low density residential lands that have yet to be annexed into the City will provide sufficient amount of land for the residential growth of the City for the near future.

5. The Planning Commission discussed the phasing method, as described in the Comprehensive Plan. It agreed that the phased priority classification of lands within the Urban Growth Boundary for annexation purposes is an appropriate method to insure timely and cost-efficient public facility planning.
6. The Planning Commission discussed the City's water supply, and agreed it is insufficient during peak summer time use hours. Annexing land into the City for the purposes of developing the land at urban level densities, will overburden the City's water supply, for urban level of service, during peak summer time use hours. The Planning Commission discussed the Canby Utility Board's plans for expansion of their water treatment plant and agreed that CUB is not at a point yet where it is reasonable to presume that additional capacity will be available when the development of the subject property occurs.
7. The Planning Commission discussed school capacity. The Commission agreed that even though the Canby School District has stated that there is sufficient capacity to handle the annexation and the subsequent development, it would create a need for the Canby School District to react to growth instead of proactively planning for future growth.
8. The Planning Commission discussed the condition of Township Road, and agreed it is insufficient to handle additional traffic that will result from annexation, because the ultimate purpose of the annexation is for the purpose of developing the land at urban level densities. Such development, the Commission agreed, will overburden Township Road. Additionally, the Commission discussed the fact that the County does not presently have the funds available to improve Township Road to an acceptable construction standard, nor has the applicant offered, in their application, to improve Township Road.
9. The Planning Commission discussed the intersection of S. Ivy Street and S.E. Township Road, which has a "Level of Service D" and is also close to "Level of Service E," during the afternoon peak hour. This intersection is considered to be the busiest non-signalized intersection in the City.
10. The Planning Commission discussed Policy 1 of the Urban Growth Element and agreed it has not been complied with because there has been no resolution with the County regarding the jurisdiction and maintenance problems of Township Road.

11. The Planning Commission discussed the City's transportation network and agreed it is insufficient to handle the traffic impact of the annexation once the site is developed residentially, which will overburden Township Road.
12. The Planning Commission discussed the park dedication. The Commission agreed that the proposed 5.09 acre park dedication is too isolated to provide appropriate wildlife habitat and is too delicate to provide a park for urban level use, based on the applicant's experts' testimony.
13. The Planning Commission discussed Canby's growth rate. It agreed that the City has experienced a higher than average growth rate over the past few years. While the average growth rate from 1970 to 1994 has been approximately 4.3%, in recent years it has reached 6%. The Commission discussed the fact that both growth rates are far in excess of the Comprehensive Plan's population projections of 20,000. In addition, the Commission discussed the City's Visioning Process, which endorsed a more gradual growth concept for Canby land use planning.

Commissioner Ewert moved to approve the final order recommending denial of application ANN 95-01 to City Council. Commissioner Gustafson seconded the motion and it carried 4-0, with Commissioners Larson and Gerber abstaining.

VII. PUBLIC HEARINGS

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]. *Continued from June 26, 1995.*

Acting Chair Mihata reviewed the hearing process and procedures and directed the audience's attention to the criteria posted on the wall. She asked if any Commissioner had ex-parte contact or conflict of interest. Commissioner Mihata and Commissioner Gerber explained they had reviewed the record and the tapes of the previous hearing. Commissioner Larson explained that he would abstain, as he had not reviewed the tapes.

Mr. Hoffman presented the staff report. He explained that at the last meeting staff submitted the Final Order but the Planning Commission continued consideration of that order to give Mr. Hoffman time to discuss an issue with Mr. Kelley. Further, Mr. Hoffman explained that he spoke with the City Attorney, at which time he discussed his concerns about the deletion of the condition of approval requiring right-of-way dedication for an eventual connection of S.E. 10th to S. Ivy Street. The Transportation Systems Plan was adopted in August, 1994, he added, which was necessary in order for

the City to adopt a systems development fee and was also partial fulfillment of the State's new Transportation Planning Rule. Phase 1 of that Plan [the first 5 years of the Plan] included the extension of S.E. 10th Avenue to S. Ivy Street. The idea behind that was that there are a few areas in Canby where the distance necessary to connect residential areas exceeds what the engineers and planners considered reasonable. This connection, and others that Mr. Hoffman referred to, were not intended for major through-traffic, but for circulation between neighborhoods. With the distance between Township and 13th Avenue being more than half a mile, a connection at 10th would help people avoid the intersections of Township/S. Ivy and 13th/S. Ivy to reach the Ackerman School, the Swim Center, Trost School, the Adult Center, etc., by using this bypass. Mr. Hoffman emphasized that staff is not proposing that this connection be made now, but only to reserve the right-of-way so the future possibility for the connection remains open after improvements at both major intersections are made. Improvements to both intersections are in the first phase of the Transportation Systems Plan. As late as last week, Mr. Jordan met with the County to try to agree on a system for improving the County areas of responsibilities regarding County-owned roads in the City, so the City could ultimately take over the maintenance of those roads. The condition staff had recommended was that the 40 foot right-of-way be platted for the extension of S.E. 10th Avenue to the west, starting from the intersection of S.E. 10th and S. Larch, ending at the southwestern corner of the property. Mr. Hoffman suggested that the condition include language indicating that actual construction shall not take place at this time, but be delayed until improvements are made at the intersections of S. Township/S. Ivy and S. Ivy/S. 13th. The Traffic Safety Committee has proposed STOP signs at the intersection of S. Pine and S.E. 10th, and Redwood and S.E. 10th.

SOME OF THE FOLLOWING PORTIONS OF TAPE WERE NEARLY INAUDIBLE. AS BEST AS POSSIBLE, TESTIMONY WAS TAKEN FROM WRITTEN RECORDS.

Applicant

George Wilhelm explained that people will not use the extension of S.E. 10th to get to the Ackerman School, Senior Center, etc., because there are easier ways to go, while still not crossing S. Ivy Street traffic. The majority of those using S.E. 10th, would be turning in from S. Ivy, he added. Furthermore, Mr. Wilhelm added that he objects to the connection for the following reasons:

- a. During the planning process for all the phases of Township Village, after Phase 2, all additional vehicular traffic was provided via Pine Street.
- b. There would be a significant safety problem if another intersection was built on S. Ivy, that it is not necessary or desirable.

- c. That most of the people heading toward downtown Canby, or west out of Canby, or southbound out of Canby, will use S. Ivy, turning right off Township. People heading northbound to 99-E will use Redwood or Pine Street. And most people heading for Ackerman, Lee, the Swim Center, or Senior Center, will use 13th, and make a right turn onto Ivy.
- d. Vehicular access to S. Ivy via S.E. 10th will reduce security in the neighborhood as more transient traffic will be encouraged, which will also lower property values.
- e. That the value of the two lots involved in dedicating right-of-way would be reduced and the entire development would have to be reduced by one lot.

Proponents/Opponents

Earl Kisler, 761 S. Lupine stated that he lives on the corner of SE 7th and that the STOP sign on his corner does absolutely no good. Mr. Kisler stated further that he is in favor of the extension of S.E. 10th to Ivy as it will provide good ingress/egress for the development.

Michael Gower, 384 SE 7th Avenue stated that the 97 new homes would increase traffic by 200 cars. With all that additional traffic, Lupine would become a drag strip, he added. Because the posted speed limit on S.E. 13th is so slow, most traffic uses Township. Mr. Gower stated he is in favor of extending S.E. 10th to S. Ivy because it will relieve other traffic situations and, with STOP signs and speed bumps, people would have to drive within the speed limit. Mr. Gower added that it was not of great importance if one lot was lost to the developer and it was reduced to a 96-home development.

Belva Clark, 759 S. Lupine asked whether there would be a connection between S. Knott and S. Larch. She asked whether there would still be a walkway if the 10th/Ivy extension did not become an intersection. Mr. Hoffman stated that there would still be a walkway connection, which is part of the Township VIII proposal, and it would be maintained by the property owners. Additionally, he explained there would be a connection between Knott and Larch which would be maintained by the property owners, as was conditioned in the Kingdom Hall application approval. Staff explained that it should be accomplished in approximately 5 months.

Donna Jean McManamon, 525 SE 7th Place stated that SE 10th Avenue should have been widened where it meets Redwood so it could have been an entire collector street with 2 traffic lanes, with parking lanes. Ms. McManamon explained that she is concerned that 10th will become a 'freeway' just like Township Road. The curve on S. Ivy, in the area of S.E. 10th, will definitely cause accidents if the intersection is built, she added. Ms. McManamon added that Knott and Larch should be connected, and that walkways are very important. Speed bumps are an excellent way to try to force

people to adhere to speed limits, she added. Mrs. McManamon expressed concern that 10th Avenues becomes more narrow to the east.

Mr. Hoffman added that **Bill Dickeson, of S. Lupine Street** visited the office. As he would be out-of-town for this meeting, he indicated he is in support of a connection to S. Ivy.

Rebuttal

None

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

1. Whether additional land would be needed from adjoining property owners to complete the extension of S.E. 10th the S. Ivy. Mr. Hoffman explained that additional rights-of-way would be necessary to complete that extension. Furthermore, Mr. Hoffman explained that staff is proposing a 40 foot right-of-way be reserved and, although the cross section indicates a range of street widths between 36-46 feet, the subdivision will be built at 36 feet.
2. Whether the Commission would be contradicting itself by not requiring the right-of-way. Mr. Hoffman explained that, by recommending approval of the Transportation System Plan, it would be contradicting itself by not reserving the right-of-way for the future connection of S.E. 10th and S. Ivy.
3. Whose responsibility it would be to repave the walkway if the need arises. Mr. Hoffman explained that, currently, it would be the responsibility of the adjoining owners.
4. Mr. Wilhelm explained that the 40 foot public right-of-way dedication would cause enough of a loss on each lot, to actually lose one full lot, as there would be 40 feet in excess of the 12 foot utility easement on each side, to equal 64 feet.
5. Mr. Hoffman explained that this particular development does not have frontage on S. Ivy, but the design of the roadway would have to account for it.
6. The Commission discussed the fact that the connection between S.E. 10th and Ivy could become a collector, used by residents to avoid traffic conditions at Township/Ivy and on 13th Avenue/Ivy intersections
7. The Commission discussed the lack of cooperation between the City and Clackamas County with regard to the road situation.

8. The Commission discussed the level of services on Township and agreed it is reaching an unsafe point, which is not acceptable. Mr. Hoffman explained that, in the Transportation Plan, the two intersections are planned to be improved in the next 5 years and the funding plan for accomplishing it is also included in the Transportation Plan.
9. The Commission discussed the traffic conditions that presently exist in Township Village. People have testified that the speed controls are not working and that they would support the installation of speed bumps to curb speeders. However, Mr. Hoffman explained that the Traffic Safety Committee does not believe they are an adequate traffic control safety device
10. The Commission discussed whether for consistency with the adopted Traffic Plan, which includes the extension of S.E. 10th to S. Ivy, is imperative.

Based on the findings and conclusions contained in the staff report dated June 16, 1995, on testimony at the public hearing, and on Commission deliberations, **Commissioner Gustafson** moved to approve **SUB 95-04**, including the condition that the 40 foot right-of-way be included and delaying that connection until improvements at 13th/Ivy and Township/Ivy are made.

Due to lack of a second, the motion failed.

Based on the findings and conclusions contained in the June 16, 1995 staff report, on testimony at the public hearing, and on Commission deliberations, **Commissioner Jackson** moved to approve **SUB 95-04**, omitting the original proposed **Condition #5** [the 40 foot right-of-way connection on S.E. 10th Avenue], and with the remaining proposed conditions in the June 16, 1995 staff report. **Commissioner Gerber** seconded the motion. The motion failed, with **Commissioners Mihata, Gustafson and Ewert** voting no, and **Commissioner Larson** abstaining.

Mr. Wilhelm stated that the City had an approved plan for this area prior to the adoption of the Transportation Plan. The applicant, and most residents of Township Village were not aware that this connection was proposed in the Transportation Plan that the City adopted. This connection conflicts with the original plans for Township Village, he added. Mr. Wilhelm added that if the Commission chooses to postpone approval until a full Commission is present, the applicant would be willing to waive the 60 day time requirement.

Commissioner Ewert moved to continue a motion on this application to **August 28, 1995**. **Commissioner Gustafson** seconded the motion and it carried 6-0.

VAR 95-01, an application by **Ronald A. Holm** [applicant] and **A. Wayne Scott** [owner] for approval to develop a retail motor fuel facility featuring **Chevron** products and an upscale conveyerized car wash, with the edge of the overhead canopy 19 feet

closer to the property line than is permitted by the Zoning Ordinance. The site is located on the northeast corner of Highway 99-E and N. Ivy Street [Tax Lot 6300 of Tax Map 3-1E-33DB].

Vice-Chair Mihata asked if any Commissioners had ex-parte contact or conflict of interest. None was indicated. She then reviewed the hearing process and procedures and referred to the criteria, although it was not posted on the wall.

Mr. Wheeler presented the staff report. He explained that the proposed canopy extends to within one foot of the right-of-way and the setback for structures along Highway 99-E is 20 feet. Therefore, the applicant is requesting a 19 foot variance. Staff reviewed the 6 criteria that must be met to approve the variance. As the property is 87 feet deep, maintaining the 20 foot setback would leave only 67 feet to site the service station/car wash. This property has no less depth than other properties along the highway, staff explained and, in fact, is 12 feet deeper than the Shell station on Highway 99-E, to the west. Further, staff explained, in 1993, what is currently the Shell station on Highway 99-E was granted a variance for a canopy even though staff, at that time, recommended denial of that application. Planning laws, as determined by court actions, state that there is no precedence set by granting a variance, that each case is a stand-alone situation. Mr. Wheeler stated that there is sufficient depth to site a service station without the intrusion into the setback by the canopy, which can be accomplished without the car wash facility, or without the canopy over the southern gas pump lane. He further stated that no other gas station in the City has a car wash facility attached. Furthermore, Mr. Wheeler added that a canopy is not a necessity for the operation of a gas station. Regarding Criteria 'E,' staff explained that in a revised plat submitted July 19, 1995, the applicant has moved the most southerly gas pump island more northerly, and only extended the canopy 8 feet over the island. With this revision, the variance request is only 9 feet. Staff recommended denial of the application, believing it has not met the criteria for a variance. Should the Commission approve the request, Mr. Wheeler suggested two conditions be attached to the approval:

1. That the southern gas pumps shall be located at least 20 feet from the highway right-of-way, as measured from the as measured from the gas dispenser units themselves.
2. The canopy shall be no closer than eleven (11) feet from the Highway 99-E right-of-way.

Applicant

Ron Holm, 1200 NE Territorial Road, #97 distributed photographs of the Shell station on Highway 99-E. Mr. Holm explained that the use applied for is permitted in the zone and that he believes he has complied with all staff's requests, especially by moving the canopy back 11 feet. The extended canopy, covering the traffic lanes, are mainly for the convenience of customers who might have to leave the car, especially during the

rainy seasons, and for the convenience of attendants. It is also more aesthetically pleasing.

Proponents

Wayne Scott, 1988 NE 19th Avenue stated that he owns the subject property. Further, he stated that an approval of this variance would be consistent with others that have been approved in like situations. He explained that the subject site has housed service stations since 1940 and the most recent station was removed in approximately 1989. He urged the Commission to grant the variance.

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

1. The Commission agreed the canopy over the southernmost gas pumps is a public benefit, both the employees and patrons of the station, especially during the rainy season.
2. The Commission asked staff how far the canopy at the Shell gas station was set back from the right-of-way on Highway 99-E. Staff reported it was approximately 7 feet from the right-of-way.
3. The dimensions of the subject parcel, specifically the depth of 87 feet, is exceptional and extraordinary. The depth of the subject parcel, in conjunction with the Highway 99-E setback requirement of 20 feet, create an extraordinary and exceptional circumstance which do not apply generally to other properties in the City and within the same zone. These exceptional or extraordinary circumstances are the result of the location of the property between the railroad and highway right-of-ways and is a circumstance in which the owners of the property have no control.
4. Although staff had recommended denial of this application for a variance, the Commission previously approved a variance application which permitted a canopy within the street setback along Highway 99-E for what is currently the Shell Gas Station on Highway 99-E. Having set that precedence, the Commission agreed that this variance is necessary to assure that the applicant maintains substantially the same property rights as are possessed by owners of other properties in the City within the same zone.

Based on the findings and conclusions contained in the July 14, 1995 staff report and the July 21, 1995 supplemental staff report, on testimony received at the hearing, and on Commission deliberations, **Commissioner Larson** moved to approve **VAR 95-01** with the conditions suggested by staff. **Commissioner Jackson** seconded the motion and it carried 5-1, with **Commissioner Mihata** voting no. **Commissioner Mihata** explained that she did not approve of the Shell canopy because it did not meet all the criteria

required for a variance and because this one does not either. Further, she stated that it is a mistake to grant a variances that does not meet all the criteria.

DR 95-12, an application by Ronald A. Holm [applicant] and A. Wayne Scott [owner] for approval to develop a retail motor fuel facility featuring Chevron products and an upscale conveyORIZED car wash. The site is located on the northeast corner of Highway 99-E and N. Ivy Street [Tax Lot 6300 of Tax Map 3-1E-33DB].

As everyone in attendance had been present when the public hearing process and procedures were explained earlier, Vice-Chair Mihata did not reread them. None of the Commissioners indicated ex-parte contact or conflict of interest regarding the application.

Mr. Wheeler presented the staff report. He explained that the applicant submitted a revised site plan on July 19, 1995. The proposal is a permitted use in the Highway-Commercial [C-2] Zone, he added. There is a TNT Mini-Mart convenience store to the east, and a 7-11 convenience store across Highway 99-E, to the south. To the west, across Ivy is the new Pioneer Antique Mall. The underground reclamation system for the car wash water, which is probably reused, is on the northern portion of the site. The two sets of pump stations [4 lanes] are located to the south of the car wash. The revised plat has the southernmost pumps and equipment room located further to the north with a travel lane for the car wash facility located between the southernmost gas pump island and Highway 99-E. Traffic flow and circulation for the entire site was then discussed, and referred to on the revised site plan. Staff suggested that the travel lane, from approximately the exit lane of the car wash to approximately the exit lane of the gas station, be striped to clearly designate the route to and from the car wash. Staff expressed concern regarding the travel lane to Highway 99-E from the car wash area and the turning radius at the exit area. As Ivy Street is a truck route, the City Engineer has recommended that the turn radius at the corner of Highway 99-E/Ivy be widened 40 feet, which means that the traffic signal post would have to be relocated, so as to be adequate for trucks. The site would be clearly marked for entrance only from the eastern access and exit only from the western leg. A minimum of 4 parking spaces are required and provided for on the site plan. Although an 8' sidewalk is required, a 6' sidewalk is shown on the full frontage of Highway 99-E. Previously, in the Videoland application and Shell Gas Station, the Commission had allowed a 6' sidewalk with a 2' landscape planter, where it adjoins a travel lane between the development side and the highway. Either side of the entrance and exit points on the outside should have 8' sidewalks. According to the photo submitted of the typical appearance of a Chevron station, the building is of masonry construction, painted white, with blue metal roofs that are red trimmed, and a steel canopy that is painted blue. A pole sign is proposed for the corner of S. Ivy/Highway 99-E. The total amount of permitted signage for this site is 320 square feet, with the car wash included. Landscaping is primarily on the west and east perimeters of the site, mostly in lawn,

with a short arborvitae hedge along the western and northwestern property lines. No landscaping or street trees are proposed in the sidewalk area on S. Ivy. Staff suggested that 2 trees be planted on the S. Ivy Street side, one on the southeastern corner of the property, and one close to the parking spaces, north of the street tree at the southeast corner of the property. As this is a developed site, staff recommends a planting strip along the eastern property line. To prevent encroachment into the joint property, staff also recommends wheel stops in the parking slots. Fifteen percent of the property is required to be in landscaping and the applicant has proposed 16-1/2%. Although the applicant proposes a 2-1/2 foot high line of arborvitae hedge, staff recommends more of a standard line of flowering and non-flowering evergreens which would be more aesthetically pleasing. Although staff believes it is a crowded development for this parcel, it could work. Staff recommends that refueling of gas pumps take place before 7:00 a.m. and after 7:00 p.m. so as not to create any traffic backups or problems. If the Planning Commission approves the application, staff suggests the Commission adopt the proposed conditions of approval, as outlined in the staff report dated July 14, 1995.

Due to the hour, Vice-Chair Mihata announced that the last hearing scheduled for this meeting, application MLP 95-05, Carl Soles, would be postponed to August 14, 1995.

Applicant

Ronald Holm, 1200 NE Territorial Rd., #97, responding to staff's presentation, explained that he cannot guarantee the exact time that trucks arrive to deliver gasoline. Mr. Holm added that there is a good traffic flow designed for the site. Further, Mr. Holm stated that the combination of a car wash/gas station was the only way to make the business economically viable. He concurred with all proposed conditions of approval, except for the gasoline delivery and requiring a 40' radius on the corner of S. Ivy/Highway 99-E, which includes moving the utility pole, and is not required for all four corners of that intersection. Additionally, Mr. Holm added that his station would be independently owned, purchasing gasoline from Chevron, as opposed to being part of Chevron's chain stations.

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

1. The Planning Commission discussed development of the property as proposed in the revised site plan in relation to traffic egress onto Highway 99-E. It was agreed that a high potential exists for multiple vehicle stacking to occur while awaiting an opportunity to exits from the site onto Highway 99-E. The Planning Commission agreed that the design of the station and internal traffic circulation does not provide sufficient room to accommodate the stacking of vehicles from multiple approaches.

2. The Planning Commission discussed the impact from the traffic generated by both the gas pump facility and the car wash facility. It was agreed that such traffic will create a hazardous situation along Highway 99-E within a five-year time period because the egress from the station is within 60 feet of the intersection of Highway 99-E and S. Ivy Street.
3. The Commission discussed signage. Staff explained that all advertising signage on the site, whether on the canopy, on the gas pump islands, etc., all are part of the allowed square footage. Signage closer to the ground [nearer the landscaping], as opposed to 'lollypop' signs on poles, were discussed, as the Commission felt the visual appearance, being so close to the corner, would be improved with such signage.
4. The Commission discussed foot traffic across the railroad tracks. The Commission suggested cyclone fencing be installed at the rear of the parcel, closest to the railroad tracks, to prevent such foot traffic. Additionally, the Commission suggested that as applications are submitted for any parcels along the railroad tracks, such fencing be installed.
5. The Commission discussed gasoline deliveries and agreed it would be most practical and less dangerous if such deliveries were made during off-hours.
6. The Commission asked the applicant whether he planned to install a vacuum area on the site. Mr. Holmes explained that he would like to put in a vacuum area on the easterly portion of the site, if it was at all possible. The Commission discussed the fact that the proposed on-site parking is at a minimum and should not be used for an alternative purpose such as parking for vacuuming cars.
7. The Commission discussed the need for a 40 foot radius on the corner of Highway 99-E/S. Ivy, which is necessary for trucks to turn safely.

Based on the findings and conclusions contained in the staff report dated July 14, 1995, on the supplemental staff report dated July 21, 1995, on testimony at the hearing, and on Commission deliberations, **Commissioner Ewert moved to deny DR 95-12. Reasons stated for the denial were that the application did not meet Design Review Criteria C, in that the size of the development is inappropriate for the size and location of the property, that the project design was too large for the site, that traffic problems would ensue, and that the on site circulation could cause a safety hazard. Commissioner Gerber seconded the motion and it carried 4-2, with Commissioners Larson and Gustafson voting no.**

MLP 95-04, an application by H.O.P.E. to partition a 32.67 acre parcel into two parcels, a 27.67 acre parcel and a 5 acre parcel, in order to develop the first phase of the H.O.P.E. Retirement Community. The property is located on the southwest corner of S. Ivy and SW 13th Avenue [Tax Lots 800 and 801 of Tax Map 4-1E-4D].

Vice-Chair Mihata asked if any Commissioners had ex-parte contact or conflict of interest. Commissioner Mihata explained that she and Commissioner Jackson visited a H.O.P.E. facility in Albany prior to the submission of the application. Commissioner Jackson stated that he walked the site, but drew no conclusions. Commissioner Ewert explained that he spoke with a neighbor who is a member of the church, but did not specifically discuss the application. He further explained that his family is in the retirement home business. There were no questions from the audience. Vice-Chair Mihata then read the hearing process and procedures and referred to the applicable criteria.

Mr. Hoffman presented an abbreviated staff report. He explained that the applicant is proposing to divide the original 32 acre parcel into 2 parcels - one being 5 acres [Tax Lot 801] and the remainder being 27.6 acres [Tax Lot 800]. The partitioned 5 acre parcel fronts on S. Ivy [Highway 170] and the primary purpose for the partition is to get financing to develop the 5 acre parcel, independent of the 32 acres. With no major issues involved in the application, Mr. Hoffman explained that staff is recommending approval of the minor land partition, and proceeded to review the proposed conditions of approval. He explained that proposed condition #6 requires a 10 foot dedication along 300 feet of the property's frontage along S. Ivy, to ultimately install a center left turn lane at that intersection. As the right-of-way is currently 60 feet wide, with the dedication of an additional 10 feet, such construction would then be possible. With regard to proposed condition #11, Mr. Hoffman explained that there is already an adopted planned unit development on the entire site. While the PUD works as a whole, Mr. Hoffman further explained, this condition would assure that all of the accesses, landscaping, recreation space, etc., are covered by a mutual agreements even though the parcel is partitioned.

Applicant

Jerry Barkman, Executive Director of H.O.P.E., P.O. Box 1128, Canby, explained that H.O.P.E. needs a clear title to the 5 acre parcel to secure financing to begin Phase I. Further, Mr. Barkman stated that he anticipates that the remaining large parcel will probably have to be partitioned again to secure future financing. Development is contingent upon street improvements and availability of improvements. The first step would be the removal of trees for Phase I, and Ivy Street improvements. Mr. Barkman explained further that the 5 acre parcel would be entirely clear-cut as the trees are 65 years old and would be felled by a strong wind.

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

1. The Commission discussed the right-of-way dedication which will eventually permit the construction of a left turn lane at the intersection of S.W. 13th and S. Ivy Street, for northbound traffic.
2. The Commission discussed the benefit of a mutual accessway for both parcels.
3. The Commission discussed clearcutting the filbert trees. The applicant explained that the 5 acre parcel would have to be clearcut in order to develop it, but that the trees would be removed only as pieces were developed, that the entire site would not be clearcut immediately.
4. The Commission agreed the development is an excellent benefit to the community.
5. The Commission discussed the speed limit on that portion of Highway 170 [S. Ivy extension]. Mr. Hoffman explained that the State determines the speed limit at that portion of Canby. Further, he explained that the City has requested that the State change the speed limits, but the City's requests were not respected.
6. The Commission agreed this development is an excellent benefit to the City.

Based on the findings and conclusions contained in the staff report dated July 14, 1995,, on testimony at the hearing and on Commission deliberations, **Commissioner Gerber moved to approve MLP 95-04 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 95-04.
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 recorded 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 street frontages.
6. Dedication of ten (10) feet of right-of-way for street purposes shall be made along the property's frontage of S. Ivy Street for 300 feet south of 13th Avenue and 7 feet shall be dedicated along S. Fir.
7. Prior to any further development, a Site and Design Review or a subdivision/partition review of the proposed development, and approval shall occur.
8. Improvements to S. Ivy Street, 13th Avenue, and S. Fir Street, including road widening, curbs, sidewalks, street lights, utilities, and street trees, and shall be constructed for the S. Ivy frontage of the 5-acre parcel prior to the occupancy of any development of the 5-acre parcel. Construction of the remaining street frontages shall take place with or prior to the remaining phases.
9. 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.
10. A preconstruction conference involving each utility of City agencies shall be held prior to construction of each phase.
11. Since there is an approved PUD for the parent parcel, an agreement shall be recorded with the County providing for mutual access, maintenance, and recreation between the two adjacent parcels.

Commissioner Gustafson seconded the motion and it carried unanimously.

DR 95-13, an application by H.O.P.E. for site and design review approval to develop the first phase of the H.O.P.E. Retirement Community. The property is located on the southwest corner of S. Ivy and S.W. 13th Avenue [Tax Lots 800 and 801 of Tax Map 4-1E-4D].

Vice-Chair Mihata asked if any of the Commissioners had ex-parte contact or conflict of interest. The Commission responded exactly as in the previous application. She then reviewed the applicable criteria.

Mr. Hoffman presented the staff report. He reviewed the background of the original H.O.P.E. applications, which included approval of an annexation application, a Comprehensive Plan amendment to permit a higher density [rezoned to R-1.5], and a PUD that would permit 378 units of senior citizen housing. The applicant is proposing some minor changes to the originally approved PUD which, if approved by the Commission, would result in a revised PUD plan. The changes are not in conflict with the originally proposed overall plan for Phase I, Mr. Hoffman explained, adding that the original PUD conditions of approval are on pages 3, 4 and 5 of the staff report. Sections of those conditions which are in bold print appear to apply to the subject application, and staff comments are attached to each of those conditions. Mr. Hoffman compared the public recreation area, as it was originally, with the revised plan that came with the application, which appears to give more emphasis to the corners of the site, and appears to provide more usable areas for public use. Those revisions have not been officially proposed, Mr. Hoffman added. Staff believes all of those conditions are currently being met and will fully be met at time of development. The original Phase I was on the corner of the parcel, but has been moved south at the request of the Commission, to include the centrally located main entranceway. Although 30% of the site is required to be landscaped, the applicant is proposing 49% landscaping, most of which is in lawn. There are 71 trees and many shrubs proposed to be adjacent to the 22 units. Approximately 5,000 square feet of park area is planned for the corner of S.W. 13th and S. Ivy. Under the PUD approved plan, there would be total of 2 acres of public park area and also a community center. As H.O.P.E. is the builder, developer, operator, and owner of the village, and would be responsible for maintenance of the landscaped areas. After reviewing the traffic study, Mr. Hoffman explained that the 33 living units will generate approximately 73 trips per day, with 9 trips at the peak hour. He added that a traffic signal will shortly be installed at the intersection of 13th/Ivy, with improved signage. The main access from S. Ivy will consist of two 28-foot wide drives and will be brought out to Ivy, at the request of Clackamas County, so the location of the lanes would be very clear to drivers. Additionally, Mr. Hoffman explained that the fire department requested a break-away gate for emergency purposes, and this should be added to the proposed conditions of approval. The overall site impact appears to be very positive and the quantity and placement of trees and shrubs would make the visual impact very positive also. The one access point on S. Ivy keeps traffic impact at a minimum, he added, especially as the entire development is senior citizen oriented. Half-street improvement along S. Ivy are recommended for this phase, as is sewer improvements, sidewalks, curbs, and lighting to meet City standards. Engineering drawings have been submitted which show improvements to the entire frontage of the parcel, not just Phase 1. The City Engineer has suggested that since the sewer is available at the Adult Center, rather than just cut to the site south of the intersections, that it be cut down all of 13th so there would be less major disruption after school opens. Additionally, the County is planning a major resurfacing of S. Ivy, from Highway 99-E to 13th, prior to the beginning of the school year. Part of proposed condition #1 includes the planting of street trees along S. Ivy which will require minor adjustments to the landscape plan and parking plan, as no street trees were proposed at all. A temporary gravel access route from 13th Avenue to Phase 1 is required as a

secondary means of extending service to the site from 13th Avenue. Staff recommends that the Commission approve the application. Mr. Hoffman reviewed the proposed conditions of approval and explained that there appears to be no need for further rezoning or changes to the phasing structure.

Applicant

Jerry Barkman explained that the applicant is very concerned with traffic conditions. Further he explained that there is no intention of keeping the public out of the park areas, but it would be a breach of security if a public area was sited in the center of the parcel. The public areas have been designed with continuous walkways throughout, along the edges of the parcel, to insure easy access for the public, he added.

Bob Kauffman, 420 SW 6th Avenue explained that the average age of a resident in this retirement community is 80 years old, but at least one spouse must be 60 to live in these garden homes even if the other spouse is younger. He further explained that due to security reasons, the public areas would have to be fenced off from the living areas. Outdoor recreation for seniors, Mr. Kauffman added, is quite different from outdoor recreation in community mini-parks. The seniors prefer small gardens and walking paths, with benches for frequent resting. The pathway design is a proven concept that has worked in 3,000-4,000 non-profit retirement centers throughout the United States.

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

1. The Planning Commission discussed the fact that the facility is close to a main busy street, which could be a problem. The Commission recommended that the applicant do everything possible to assist in seeking a signal at the intersection of S. 13th Avenue/S. Ivy Street.
2. The Planning Commission discussed the age category of potential residents of the facility. The applicant explained that the age of residents was dictated by State licensing.
3. The Commission discussed the timing of a signal light at the corner of S. 13th and S. Ivy. The Commission encouraged the applicant to work together with the County and the City regarding the traffic conditions near the site.
4. The Commission discussed the possibility of a fence around the public area on the corner of S. Ivy/S. 13th. The idea is to balance the needs of the community for a mini-park in this area with the needs of H.O.P.E. for security.
5. The Commission agreed that the facility would provide a good low-impact economic benefit for Canby.

Based on the findings and conclusions contained in the staff report dated July 14, 1995, on testimony, and on Commission deliberations, **Commissioner Ewert moved to approve DR 95-13 subject to the following conditions:**

1. Half-street improvements shall be provided along S. Ivy Street and shall include sewer, pavement, five (5') foot sidewalks and curbs, and urban-type street lighting, and shall meet Canby Construction Standards. Right-of-way designs and construction designs shall be approved by the Public Works Supervisor or acting City Engineer. The applicant shall reimburse the City, or sign an agreement for the reimbursement of infrastructure improvement costs in accordance with an approved advanced financing agreement applying to the site. [County road permits and approvals will also be needed.] Street trees shall be provided along S. Ivy Street according to City spacing, size, and type standards. Minor adjustments should be made to the landscape plan and parking plan to provide for the street trees.
2. Prior to occupancy, the required Advanced Financing Agreement fee, Transportation Systems Development Charge, Recreation Systems Development Charge, and Construction Excise Tax shall be paid, or a satisfactory arrangement for paying shall be agreed upon between the applicant and the City, such as a bond or letter of credit.
3. During construction, erosion-control shall follow the Erosion/Sedimentation Control Plans Technical Guidance Handbook for Clackamas County, August 1991 (as amended).
4. A water main shall be installed in the complex, as approved by the Canby Utility Board and the Fire Marshal. The main shall be looped through the complex from S. Ivy Street. Fire hydrants shall be provided at a location approved by the Fire Marshal, as shown on the plans in his office.
5. The applicant shall participate in a preconstruction conference with City staff, Canby Utility Board, the fire district, etc., prior to construction.
6. A landscape **construction** plan and maintenance plan shall be submitted to and approved by the City Planning Department as part of the building permit application. The plan shall include a permanent irrigation system, planting schedule, plant locations with the landscaped areas, plant types and sizes, plant spacing, and assignment of maintenance responsibilities. The landscaping shall be installed prior to the final building inspection or a bond shall be posted for the amount of landscaping to be completed [plus 10%] with a date certain for completion of the landscaping improvements. This condition applies to the proposed public park at 13th Avenue and S. Ivy, as well as Tax Lot 801.
7. Rezoning and PUD revision is not required at this time.

8. Twelve (12') foot utility easements shall be provided along S. Ivy, if not yet available.
9. Six (6') foot utility easements shall be provided along all interior property lines.
10. Prior to the beginning of project construction, police and fire emergency access shall be provided from 13th Avenue to the end of the drive. Detailed design shall be as approved by the Fire Marshal and Police Chief.
11. The entry signs shall be a maximum of 60 square feet total.

Commissioner Larson seconded the motion and it carried unanimously.

MLP 95-05, an application by John Stout [applicant] and Carl and Judith Soles [owners] for approval to partition a 4.5 acre parcel into two parcels, with the dividing line running along the central axis of the roadway easement from S.W. Berg Parkway to the rear property line. The site is located on the east side of S.W. Berg Parkway [Industrial Seating] [Tax Lot 900 of Tax Map 4-1E-4B].

Continued to August 14, 1995

VII. DIRECTOR'S REPORT


Mr. Hoffman thanked the Commission for working so closely with him over the last 5 years. He explained that he was starting a new position in Wilsonville on August 7th and his last day as Canby Planning Director was August 4th. The Commission expressed their best wishes to Mr. Hoffman and thanked him for all his hard work.

An invitation was extended for the Commission, with their families, to attend the City picnic.

VIII. ADJOURNMENT

The meeting was adjourned at 11:45 p.m.

Respectfully submitted,


Joyce A. Faltus