

**APPROVED**

**MINUTES  
CANBY PLANNING COMMISSION**

**Regular Meeting**

**August 28, 1995**

**7:30 p.m.**

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***I. ROLL CALL***

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

Staff Present: James Wheeler, Assistant Planner; John Kelley, City Attorney; and Joyce Faltus, Secretary.

Others Present: Norma Vandenburg, Pattie Flagg, Larry Graff, Larry Sharp, Joseph and Shirley Regan, Michael Zens, Rick Wery, Tom Lancaster, Mr. Bergen, Leslie MeRea, Forrest Kuehne, Joe Forsythe, David Bennett, Harold Jeans, George Wilhelm, Todd Davis, Mark Thompson, Glenn Baars, Pat Miller, Dave Richardson

***II. MINUTES***

The minutes of June 26, 1995 were approved, as submitted

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

None

***IV. COMMUNICATIONS***

None

***V. NEW BUSINESS***

None

## **VI. FINDINGS**

None

## **VII. PUBLIC HEARINGS**

**PUD Overlay 95-03/ DR 95-10, revised PUD Overlay 95-03/ DR 95-10**, applications (and replat) by Walt West Construction for approval of a Planned Unit Development Overlay and Site and Design Review application proposed to be named "Willamette Commons." The purpose of the applications is to ultimately allow development of a "40-attached single family residential homes on individual lots". Total area involved is approximately 4.6 acres. The site is located just northwest of the intersection of N.E. Territorial Road and the "Logging Road." [Tax Lots 100-1100 plus Common Area, Tax Map 3-1E-C - Willamette Green Phase II, 2991]. **Continued from August 14, 1995.**

Chairman Schrader explained that this hearing was continued for additional written testimony. Only one letter was submitted in opposition. Staff explained that there hasn't been enough time to review the Final Order submitted by the applicant's counsel. Furthermore, the Commission received a letter indicating more discussions were taking place with regard to settling the differences between the residents of Willamette Green I and the applicant.

Chairman Schrader asked if any Commissioners had ex-parte contact or conflict of interest since the last hearing. Commissioner Larson explained he was abstaining and Commissioner Gustafson explained that he had a conflict of interest, as he resides in Willamette Green I. Other than visiting the site, there were no other conflicts of interest and no ex-parte contact.

**David Bennett, attorney for the applicant, 3500 1st Interstate Tower, Portland** referred to a letter that Mr. Sullivan had submitted, requesting continuance of this hearing for one month, to give the residents of Willamette Green I time to amend their CC&Rs because, in order to do so, they must vote on it. Mr. Bennett asked the Commission to approve the project at this hearing with an additional condition that the Willamette Green Homeowners Association amend the covenants. When the covenants were originally drafted there were supposed to be two projects and it didn't work out. There was confusion with the legal description for Willamette Green I that might have incorporated the other parcel, with rights and responsibilities interchanged. Both Mr. Sullivan's and Mr. Bennett's clients agreed it should be amended and, until that is accomplished, Mr. West does not want to proceed. Mr. Bennett explained he

drafted the final order, reviewed it with Mr. Sullivan and submitted it to staff. Due to an infected disk, Commission review of the final order is being delayed, probably to the next agenda.

**Ed Sullivan** stated that both he and Mr. Bennett have been working very hard to get the issues settled so the development can proceed.

**John Kelley, City Attorney** explained that no further evidence can be submitted. He explained that the Commission could deliberate to give the applicant an idea of what direction the Commission is taking, and assured the Commission that the final order would be consistent with its decision. Mr. Bennett stated that the parties have essentially reached agreement and the applicant needs to know that the Commission is at least going to approve the concept of the project, as documents are being drafted, and architect's renderings are proceeding, all under the presumption that approval will be forthcoming.

Chairman Schrader declared that the public hearing was closed, and the Commission proceeded to discuss the application by taking a straw poll, to give the applicant a sense of what direction the Commission was taking with regard to the application. Issues discussed included:

1. The Commission discussed its concern about traffic on Territorial Road and about the possible future use of the Logging Road.
2. The Commission discussed the recreation and open space, play structures, and its concern about the type of groundcover under the play structures.
3. The Commission agreed that in-depth discussion would be best when the Commissioners had reviewed the Final Order, which could be discussed and adopted at the next meeting.

**Commissioner Jackson moved to continue the hearing to September 11, 1995. Commissioner Larson seconded the motion and it carried 5-0, with Commissioners Gufstafson and Gerber abstaining.**

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*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 July 24, 1995.**

Chairman Schrader asked if any Commissioner had ex-parte contact or conflict of interest since the last hearing. None was indicated. Commissioner Schrader explained he had listened to the tapes and read the record. He asked if anyone in the audience had any questions of him. Mr. Wilhelm stated that there was no objection to Commissioner Schrader taking part in this hearing. Dr. Schrader then reviewed the hearing process and procedures and indicated the applicable criteria that was posted.

Staff explained that a motion to approve the application without the right-of-way dedication failed at the last hearing. Another motion was made to include the right-of-way dedication, but there was no second to the motion. It had been brought to the Commission's attention that the 10th Avenue connection to S. Ivy Street and the right-of-way dedication that was recommended by staff, is part of the Transportation System Plan that the City adopted.

Staff suggested the possibility of approving the application with the right-of-way dedication and then letting the application be heard before the City Council. The Commission had no recollection of discussing that particular connection when discussing the Transportation System Plan and agreed the entire Plan does not hang on that one issue, but that there was major concern about the traffic issues involved in the area of this proposed development. Discussion was held regarding both Planning Commission and/or staff appeal of a decision on this matter.

Based on the findings and conclusions contained in the staff report dated June 16, 1995, testimony at the hearings of June 26, 1995 and July 24, 1995,, and Commission deliberations, **Commissioner Mihata moved to approve SUB 95-04 with the right-of-way dedication for eventual connection to S. Ivy, based on the criteria contained in the Transportation Plan adopted by the City of Canby. Commissioner Larson seconded the motion.** Discussion following the motion included the following issues:

1. That a right-of-way dedication for eventual connection of 10th Avenue to S. Ivy had many safety issues attached to it, especially as the outlet would be placed at a bad curve in the road on S. Ivy. The Commission did discuss the fact that it is a FUTURE connection that depended on additional rights-of-way being obtained, and that the issue under discussion is the right-of-way, not a street dedication, at this time.

2. The Commission discussed the fact that if a right-of-way connection is approved, there will be pressure to connect 10th Avenue to Ivy, due to the heavy traffic on Township Road.
3. The Commission discussed the fact that if the right-of-way remains an option, it can either be acted upon or not, but if the option is eliminated there will be no possibility of the connection should it prove necessary.
4. The Commission discussed the pros and cons of more outlets from the Township Village development.

**The motion failed 3-4, with Commissioners Mihata, Gustafson and Larson voting in favor of it.**

**Commissioner Gerber moved to approve SUB 95-04 without the right-of-way dedication.** The Commission held the following discussion:

1. The Planning Commission agreed that the right-of-way dedication between S.E. 10th Avenue and S. Ivy Street is not needed. Further, the Commission agreed that there is no current solution to the concerns regarding safety at what would be the intersection of S. Ivy Street and S.E. 10th Avenue. Additionally, the Commission agreed that the right-of-way dedication between S.E. 10th Avenue and S. Ivy Street, with no improvements made to Township Road, to the intersections of Township/Ivy and 13th/Ivy, would create a lot of public pressure to build the road connection from 10th to Ivy prior to the other needed improvements, and that such connection could induce more traffic through the Township Village development than is appropriate.
2. The Planning Commission agreed that the centerposts for the walkway between the corner of S.E. 10th Avenue and S. Larch Street and S. Ivy Street need to be emergency vehicle- accessible in order to provide better access to this portion of the subdivision.

**Commissioner Jackson seconded the motion and it carried 5-2, 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 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(G), 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).

**Commissioners Schrader, Mihata, Jackson, Gerber, and Larson voted aye. Commissioners Gustafson and Ewert voted nay.**

The Commission directed staff to have City Council review the record of this hearing.

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*DR 95-14*, an application by Sharpcor, Inc. [applicant] and George and Patsy Miller [owners] for design review approval to construct a 48 unit, 2-bed/1-bath apartment complex on a 2.5 acre parcel located on the east side of S. Pine, north of S.E. Township Road [Tax Lot 900 of Tax Map 3-1E-34C].

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

Mr. Wheeler presented the staff report, explaining that the applicant is proposing to construct Phase II of Canby Apartments, a 48-unit apartment complex. Phase I of Canby Apartments is comprised of 28 units and is currently under construction, with access onto Township Road. The site is on the east side of S. Pine Street. Situated to the northwest is the Pine Crossing Manufactured Home Park; to the north is a filbert orchard; to the west is Marlon South Apartment Complex [Phase II is currently under construction]; and to the south is Phase I of Canby Apartments. Industrially zoned land, which is currently being farmed, lies to the east. Phase II of Canby Apartments consists of 6 two-story eight-plex buildings, cream colored with green trim, with black composition roofs, constructed in a semi-circular pattern, with one building in the center and 5 along the perimeter. This development will be constructed on a portion of Tax Lot 900 and all of Tax Lot 1100. The portion of Tax Lot 900 that will be developed was partitioned in June, 1995 to separate an existing home. Improvements to S. Pine Street, resulting from this project, from Pine Crossing Manufactured Home Park to the north and from Marlon South Apartments were described. S. Pine Street, from Phase I to Township Road, would not meet the current City road standards, although the applicant has proposed to improve that portion, from a gravel road to a 20 foot asphalt road, which is acceptable to the Public Works Supervisor as a temporary solution. When the adjoining properties are developed, that portion would need to be brought up to City standards. There

are two entrances onto S. Pine Street in a looped fashion, with no proposed access to Phase I at this time. As part of the approval of Phase I, Buildings B and C were spread apart so as to allow for a curved connection should it become desirable at some future time. The original proposal has been amended to include a recreation room near the southeastern eight-plex where the manager's apartment is. No play facilities are specifically proposed. A traffic study, as required by the Planning Commission, was conducted. A major concern is the traffic at the intersection of Township/S. Ivy. Under current conditions, without including the Marlon Phase II, the level of service is "C". If all the approved projects in this vicinity are taken into consideration, it would become level of service "D," but if all the approved and proposed projects for this area are considered, it would drop down to a level of service "E." Two one-sided signs are proposed, approximately 14 square feet each, one at each entrance. No color scheme has been submitted. Although the school district has not indicated there would be any problems in servicing the students resulting from an approval of this proposal, staff reviewed the remaining school capacity calculations with the Commission, as of June, 1995, for the last school year. With the revision, 31.5% of the site is proposed to be landscaped. The plant spacing is somewhat overly spacious and would need additional shrubbery. Staff explained that the types of street trees proposed along S. Pine would need revision, to be consistent with what was already approved with the Marlon South project. Approximately 14 existing trees along the perimeter of the site will be retained. There are 113 parking spaces proposed and 106 are required to meet code requirements. Wheel stops will be required as all spaces front up to a walkway or landscaping. Fifteen percent of the parking area is required to be landscaped and 22% is proposed. Fourteen trees are required and 17 are proposed within or adjacent to the paved vehicle parking/maneuvering area. Staff recommends that proposed condition of approval #4 be amended to read: "The existing **house and** garage for 420 S. Pine Street shall be removed." With that correction, staff recommends approval of the application with the recommended conditions.

### **Applicant**

**Larry Sharp, 3387 Winola Avenue S., Salem 97302** explained that recreation and play areas would be sited in both phases. Commercially rated wood type structures, usually found in parks, will be used for play areas. The groundcover beneath the structures will be the non-splintering kind. Mr. Sharp explained that there is more than 50 feet separating the play area in the vicinity of S. Pine, from the roadway and the play area might be separated with a small chain link fence to ensure the safety of smaller children, but that the applicant would prefer not to install a fence all along S. Pine as it would detract from the project overall. The applicant stated the landscaping will be filled in more densely, but added that the plan was to use more groundcover between bushes.

## Proponents

None

## Opponents

**Joseph Forsythe, 792 SE Township Road** stated that his home is on the west side of S. Pine, although it fronts on Township. He stated that there would be a lot of traffic on S. Pine, more than what would be generated from both these phases of Canby Apartments. Mr. Forsythe added that as soon as the area on S. Pine near the manufactured home park was paved, it generated a lot more traffic than usual. A barrier, he added, would be a good way to reduce that traffic flow until the road is entirely built up to Canby road standards. Mr. Forsythe also expressed concern about the increased traffic that will be generated at the intersection of Township and Ivy. With regard to the play areas, Mr. Forsythe stated that he did not think the schools encouraged children to play there during off hours. Mr. Forsythe stated that the fence proposed in Phase I was meant to be a visual barrier for the folks living on the west side of Pine and that he opposes eliminating the fence along S. Pine Street.

**Michael Zens, 11620 S. New Era Road, Oregon City** stated that he is not testifying in opposition, but is suggesting that speed bumps be added to Pine Street, which might slow traffic down, or divert traffic from S. Pine. He also suggested that planting trees around the play area might be a good way to try to ensure the safety of children playing in that area.

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

1. The Commission discussed safety factors surrounding the play area and agreed that a small, low fence [approximately 3 feet in height] is needed to separate the play area from S. Pine Street, on the west, to provide sufficient protection for children using the play area from wandering into the street.
2. The Commission agreed that the color of the signs should be coordinated with the color of the apartment buildings in order to have the development present an orderly and aesthetically pleasing appearance along S. Pine Street.
3. The Commission agreed that parking along the half-street improvements would create potential traffic circulation problems because any parking along the twenty (20) foot wide street would restrict traffic to one-way only at that location.

4. The Commission discussed restricting non-local traffic through S. Pine Street until it is fully improved. Although the Transportation Plan considers Pine Street, from S. 13th to Highway 99-E to be a collector street, it was agreed that until S. Pine Street is fully improved between S.E. Township Road and S.E. 3rd Avenue, the portion of S. Pine Street between S.E. Township Road and the southern end of Canby Apartments Phase I will be barricaded. The Commission directed staff to look into viable alternatives to restricting traffic flow on S. Pine Street with the Fire and/or Police Departments.
5. The Commission discussed the landscape plan. It was agreed that planting of groundcover in and around the shrubbery landscaping is an acceptable alternative to increasing the density of shrubbery planting.
6. The Commission discussed Marlon South apartments, and whether it accesses out to Pine Street. Staff explained that there is an access point to S.E. Fifth Avenue and on to S. Maple. The third phase of Marlon South will access onto Township and to S. Pine, all of which will be interconnected by interior private drives, not public streets.
7. The Commission discussed its concern about the additional traffic generated at the intersection of Township and Ivy, and about it reaching an "E" level of service. The necessity for a left-turn lane from Township onto S. Ivy was discussed, as was the need for a traffic signal. Staff explained that the possibility exists, if the gas tax is passed, some of those monies could be used to improve the intersection. Additionally, the Commission discussed the condition of Township Road, from Ivy to the proposed project, which is considered poor to very poor, with a failed section near where it intersects S. Locust.
8. The Commission discussed its reservations about approving developments without additional input from the school district regarding actual capacity, rather than architectural capacity. With all the proposed and approved applications, the Commission agreed the capacity was very close to the potential countdown and that it was imperative to have workshops with the school district to discuss this issue.
9. The Commission discussed the ratio recommended by the Comprehensive Plan, of multi-family housing and single family dwellings, in light of recently approved application and current applications that are pending. The Commission agreed the type of housing proposed in this application is needed in Canby.

Based on the findings and conclusions contained in the staff report dated August 18, 1995, on testimony at the hearing, and on Commission deliberations, **Commissioner Mihata moved to approve DR 95-14 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. The specific road alignment for S. Pine Street within the dedicated right-of-way shall be determined prior to the preconstruction conference.
2. The Minor Land Partition (MLP 95-03) shall be completed and filed with the County.
3. Acceptance of the dedication of the additional S. Pine Street right-of-way shall be obtained from the City Council. The dedication shall be recorded with Clackamas County prior to construction.
4. The existing home at 460 S. Pine Street and the existing garage for 420 S. Pine Street shall be removed.

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

5. 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.
6. 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, or groundcover shall be planted in and around the shrub landscaping. The spacing requirements for the plants to be used in the landscaping are as follows:

Azalea, evergreen	3' O.C.
Chamaecyparia obtusa nana (Dwarf Cypress)	2' O.C.
Eunonymus alata (Dwarf Burning Bush)	4' O.C.
Juniperus squamata, Blue Star (Juniper)	3' O.C.
Mahonia aquifolium compacta (Oregon Grape)	2' O.C.
Nandina domestica nana (Dwarf Nandina)	3' O.C.

Pieris japonica (Japanese Andromeda)	4' O.C.
Potentilla Gold Drop	2' O.C.
Rhododendron, medium size	4' O.C.
Rhododendron, large size	5' O.C.
Viburnum davidii	3' O.C.

7. The five (5) foot wide strip of land in the center of the two center parking rows shall be landscaped with vegetation.
8. Four (4) 'Emerald Queen' Norway Maples shall be planted along S. Pine Street, between the existing trees to be retained near the northern entrance and the southern entrance. Another two (2) 'Emerald Queen' Norway Maples shall be planted along S. Pine Street between the southern entrance and the existing tree to be retained at the southern property line. Additional 'Emerald Queen' Norway Maples shall be planted in front of the existing home at 420 S. Pine Street, and along the S. Pine Street frontage of Canby Apartments Phase 1. These additional trees shall be planted approximately 50 feet on center. All street trees shall be planted twelve (12) feet behind the curb, and shall be at least 2" caliper trees when planted.
9. The road improvements for S. Pine Street shall include a minimum of twenty (20) feet of paving, curbs, sidewalks, street lights, utility trenching, and street trees. The improvements shall be for the eastern frontage of S. Pine Street from the northern property line of the house at 420 S. Pine Street to the southern property line of Canby Apartments Phase 1.
10. Two additional fire hydrants shall be provided. One fire hydrant shall be provided at each end of the center parking landscape area.
11. The signs shall be a minimum of ten (10) feet from the S. Pine Street right-of-way. The colors of the signs shall match the colors of the apartment buildings.
12. The sidewalks on both sides of the internal drives shall connect to the public sidewalks.
13. Wheel stops shall be provided for all parking spaces.

***Other Notes:***

14. "No Parking" signs shall be posted on the 1/2 street portions of S. Pine Street that front Canby Apartments, Phases I and II. The signs shall be provided at the developer's expense and shall be placed prior to

occupancy.

15. The address identification shall meet the Uniform Fire Code 901.4.4.
16. The advanced financing reimbursement charge will be due upon issuance of the building permit. The principle amount owed is \$8,051.52. Interest accrues at \$1.342 per day. The amount owed as of September 15, 1995, is \$8,561.45. The principle plus interest can be paid at any time up to the issuance of the building permit.

If the home at 420 S. Pine Street is connected to the City sewer system, as a part of this project, the advanced financing reimbursement charge will be upon issuance of the sewer connection permit. The principle amount owed for 420 S. Pine Street is \$312.00. Interest accrues at \$0.052 per day. The amount owed as of September 15, 1995, is \$331.76.

17. The existing twenty (20) foot wide right-of-way from the southern property line of Canby Apartments phase 1 to S.E. Township Road shall be paved with 6" gravel and 2" asphalt. S. Pine Street from S.E. Township Road to the northern property line of the home at 420 S. Pine Street shall have a minimum of twenty (20) feet of paving.

**Commissioner Larson seconded the motion and it carried 4-3, with Commissioners Schrader, Mihata, Larson and Gustafson voting yes, and Commissioners Gerber, Jackson, and Ewert voting no.**

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*DR 95-15*, an application by Daniel R. Chandler for Pro-Construct, Inc. [applicant] and Equity Advantage, Inc. [owner] for design review approval of 40 two-bedroom/2-bath apartment flats at 925 square feet per unit. The complex is proposed to have an attached recreation room. The 2.97 acre parcel is located on the east side of N. Pine, between Highway 99-E and N.E. 9th Place [Tax Lot 201 of Tax Map 3-1E-34BC].

Chairman Schrader asked if any Commissioner had ex-parte contact or conflict of interest. Other than visiting the site, but drawing no conclusions, none was indicated. He then reviewed the hearing process and procedures and indicated the applicable criteria that was posted in the room.

Mr. Wheeler presented the staff report. He explained that the forty, 2-bedroom, 2-bath units, will be housed in 5 buildings of 8 units each. The site is located on N. Pine, across from N.E. 8th Way, which is a cul-de-sac. The Logging Road is located to the east of the site and starts rising as it reaches the bridge overpass at Highway 99-E. A portion of the deck that is located on the

house that is a part of the apartment complex immediately to the north encroaches on this property and will be removed in order to construct a perimeter fence. The colors are proposed to be off-white, with a white trim. Sixty square feet of signage is permitted, but no details for signage have been submitted. The maximum number of units permitted for this development, with one 31 foot access, is 40 units. One access drive to the development is proposed to be provided from N. Pine Street, and will be 35 feet at the entry, reducing down to 31 feet upon entering the interior drive and parking area. The entrance is S-shaped, as there are two reverse curves in it. This was done in an attempt to line up with N.E. 8th, across N. Pine. The entrance will, most likely, have to be widened to accommodate emergency vehicles, and staff has recommended this modification in the proposed conditions of approval. The Fire Department is also recommending two additional emergency accessways, via barriers, one at the northeastern end and one at the southern end of the interior drive. Although not proposed at this time, there is area available for additional units on this property, should a second access become available. Ten feet of right-of-way dedication will be required along N. Pine and would need to be accepted by City Council and recorded with Clackamas County prior to construction. The dedication will align the east side of N. Pine right-of-way with what has been required of the property immediately to the south and the properties most recently developed to the north. At this location, there is a rise in N. Pine Street just south of the proposed entrance, which was an abandoned railroad crossing. The Public Works Supervisor has requested that the rise be removed but stated it is not the developer's responsibility to remove the rise; that it is the County's responsibility, but the County did not address this issue. Removal of the rise would improve sight distances. There is concern regarding on-site storm water drainage. At N.E. 10th Avenue, the water table is approximately 18 feet deep and the most common on-site storm water drainage, used throughout the City, places drywells at approximately 26 feet deep. How this situation would be handled is part of the County plumbing permit program. If not handled on-site, the project would not be approved. Regarding the school issue, staff explained that the school district has responded that there is capacity for additional students. Approximately 40 percent of the site is proposed to be landscaped in an exceptionally good plan. Forty-five of the existing 150 trees on the property are proposed to be retained. More street trees are required than the applicant has proposed, as the plan indicates very narrow street trees. The applicant is proposing a perimeter chain link fence for the full perimeter of the site with the exception of N. Pine Street. Eighty-eight parking spaces are required, and 89 spaces are proposed. The parking lot landscape plan was reviewed, with the proposed landscaping in excess of ordinance requirements. Four thousand square feet of open/recreation space is required, and in 4 large open areas, there is approximately 22,800 square feet of open space. A play area, with many trees in the northern portion, is adjacent to Building #4, and is approximately 3,200 square feet. No design for the play facilities are proposed at this time.



Responding to a question from the Commission, staff explained that the City owns the portion of the Logging Road abutting this property, from Territorial Road to SE 13th Avenue, although the portion from Highway 99-E to Territorial is within the City limits and the remaining portion is not within the City limits.

### **Applicant**

**Larry Sharp, 340 Vista Avenue SE, Salem** explained the apartments would be 925 square feet each, some with decks and storage units. There is potential to expand the development to connect to the property to the south, he added. It is a heavily treed area, and the applicant proposes to retain as many trees as possible, especially incorporating trees into the play area. With regard to on-site storm water, Mr. Sharp explained that he met with Clackamas County. Due to the high water table in the area, the County is willing to permit 16 foot drywells, with the condition that more drywells are installed than is usually the case. With regard to the road frontage on N. Pine, Mr. Sharp explained that since road improvements are required, the applicant plans to work with Clackamas County to resolve the problem of the rise in the road. and would not feel uncomfortable with a condition of approval to that effect. The biggest question, he added, would be about reimbursement to the developer for that improvement.

### **Proponents**

None

### **Opponents**

None

### **Neither For Nor Against**

**A. Bergen, Jr., 162 N.W. 3rd** showed where he is planning to build homes on N. Pine, just south of this property. He added that there is already a drywell on the property, which handles all the drainage from the hill, but does overflow, and has deteriorated over the years. Mr. Bergen stated his concern about the road improvements and traffic on N. Pine, which is a very narrow road. Mr. Bergen further stated that all the children from nearby apartment complexes play in this area and chain link fencing will not solve that problem.

**Todd Davis, 1042 NE 8th Place** explained his concerns: 1) that the sign should be less than 60 square feet; 2) that the rise in the road should be taken care of as it causes a very critical vision clearance situation for both vehicles and pedestrians; 3) that with Willamette Commons and this development, more

traffic will be generated to N. Pine, which should be totally improved, to include sidewalks; 4) that a chain link fence would not be aesthetically pleasing; especially to the tenants of the property to the immediate north; 5) that the Logging Road path on the northeast side of the subject property is too sloped to be used for emergency access; and 6) that this site is the only neighborhood access to the Logging Road.

**Mark Thompson, 981 NE 8th Place** addressed his concerns: 1) the safety concerns with the rise in N. Pine. He explained that his property is about 10 feet from the street surface, where there is a 5 foot drop, and he did not see how a sidewalk could be constructed there. The grade at the entrance to 8th Place, he added, is so very steep, that visibility is extremely poor; 2) that the sign to the proposed development should not be big and gaudy; 3) that the entrance to the proposed development might be designed as a bus stop for neighborhood children; and 4) that access to the Logging Road should be maintained.

**Rick Wery, 960 NE 8th Place** addressed his concerns: 1) that with more apartments, there would be less play area for children. He suggested that the play areas be developed more southerly; 2) that the rise in N. Pine should be removed and the grade substantially modified, as a condition of approval of this project. He brought out that the angle of vehicle lights blind oncoming traffic, due to the rise and grade; 3) the condition of N. Pine, especially the curb areas from Highway 99-E, and the giant pot holes.

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

1. The Commission suggested that staff talk with Curt McLeod about looking into the County plan for this on-site storm water system.
2. The Commission discussed the proposed slatted chain link fencing and agreed it is not aesthetically pleasing.
3. The Commission discussed access to the Logging Road for use as a pathway. Mr. Sharp explained that since the Fire Department asked for access to the Logging Road, there would now be access for pedestrians.
4. The Commission discussed the color of the signs. Mr. Sharp stated it would probably in the tan or grey family, with white trim.
5. The Commission asked whether an arborist has reviewed the status of the existing trees. Mr. Sharp said that before the applicant determines which trees will remain, an arborist will review the site.

6. The Commission discussed the play area and whether it was the safest place to locate it, given the density of trees in that area. Mr. Sharp said the applicant would not be opposed to leaving that area in a park setting and relocating the play area, provided the applicant has the option of moving it if the southern property is acquired.
7. The Commission discussed the house to the north, where a portion of the deck encroaches on this property and is proposed to be removed in order to construct a perimeter fence. Staff explained it could be considered an existing conforming structure and that he is not aware of any utility easement along that property line, nor of any that have been requested.

**Commissioner Ewert moved to continue DR 95-15 to September 11, 1995.  
Commissioner Gerber seconded the motion and it carried unanimously.**

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

### **House Bill 2709 - METRO**

Staff explained METRO is trying to up their timetable on the adoption and implementation of the 2040 Plan in order to avoid large annexations of land, contrary to the goals and provisions of the 2040 Plan. This bill also affects Canby because Canby has had a population growth rate in excess of the State's growth rate in at least 3 of the past 5 years. Canby could be required to meet the mandates of the bill either by expanding the UGB or increasing density or, possibly, a combination of the two. As more information is received, it will be forwarded to the Commission.

### **Pine Crossing**

Staff discussed proposed alterations in front area landscaping plans that have been submitted by homeowners in Pine Crossing, since revisions would have to be approved by the Commission. The Commission agreed that as long as the ratio of shrubs and trees remains about the same, homeowners could rearrange the plan for their individual lots.

### **Mini-Storage**

Staff explained that the owners of the Mini-Storage were going to submit a Design Review modification application. If not pleased with the decision, they could then appeal to City Council.

The Commission asked if staff would recruit someone to address the Planning Commission regarding traffic warrants. The Commission also asked staff to arrange a meeting with the school district to discuss school capacity or to get

updated information. The Commission discussed whether it should continue as the Design Review Board. After discussing the pros and cons, it was agreed it would continue to sit as the Design Review Board, as well as the Planning Commission. The Commission discussed the sign at Canby Station Videoland. Commissioner Ewert said he would review the final order for Canby Station to give staff specific direction regarding the signage.

### ***VIII. ADJOURNMENT***

The meeting was adjourned at 11:25 p.m.

Respectfully submitted,

Joyce A. Faltus