

MINUTES
CANBY PLANNING COMMISSION
Regular Meeting
September 11, 1995
7:30 p.m.

I. ROLL CALL

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

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

Others Present: Harold Jeans, John Stacey, Carl and Judy Soles, James Bergen, Jr. Rick Wery, J.A. Bergen, Norma Vendenburg, V.C. Vandenburg, Tracy Boyce [OBC Northwest], Leslie McRea, Glenn Baars, Pat Miller, Jeanne Rohrbacker, David Bennett, Walt West, Colleen Kuehne, Forrest Kuehne, Larry Sharp, Mark D. Grene, Nancy Salber.

II. MINUTES

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

The minutes of **August 28, 1995** were continued to later on the agenda when the Commission reviews the Final Order for DR 95-14. At this time, the Commission did discuss Findings #3 on page 11, regarding the fence to the west of the play structures just separating the play area from S. Pine, rather than going around the entire play area, as a protection for children playing ball in the open space area. The Commission recalled it being a small chain link fence only along the west side of the open space area, a little further north and south than the drawings depict, with no fencing on the northern, southern, or eastern sides.

Chairman Schrader announced that Rod Larios, the applicant for DR 95-16, requested a continuance. Carl and Judith Soles also requested a continuance for MLP 95-05. Both applications were continued to the September 25, 1995 agenda. The hearings will be opened later on the agenda and the motion for continuance formally made.

III. CITIZEN INPUT ON NON-AGENDA ITEMS

None

IV. COMMUNICATIONS

None

V. COMMISSION DISCUSSION OF PLANNING ISSUES

Mike Jordan, City Administrator, addressed the Commission with regard to the Canby road system. He explained that Clackamas County has jurisdiction over 5.9 miles of roads within the Canby City limits which are primarily arterial and collector roadways.

Mr. Jordan explained that in 1994 the City went through an intensive Transportation Master Planning process. During that process more than 400 segments of the road system was surveyed so as to rate the condition of those segments. Overall, Canby's roadway system was found to be in good shape; only 12% was found to be in "poor-to-failing" condition. During the budget process, the City Council and Budget Committee concluded that the top priorities were law enforcement and road maintenance, and that the City was not keeping up with the escalating costs in those areas. The Master Plan process found that the City was not spending enough money on road maintenance, so as to reduce continual road deterioration. The study found that if the City continued its spending pattern, by the year 2003, 52% of the road system will be in 'very poor-to-failing' condition. We currently have a maintenance backlog of \$4.1 million, which is the amount of money it would take to bring all of our roads into good condition. If the 3-year, rate-based serial levy passes, it would raise approximately \$200,000 a year for 8 years. The City could then eliminate all roads from being in the 'very poor-to-failing' condition and the backlog would also be reduced to \$1.4 million. Furthermore, Mr. Jordan explained that the cost of bringing a road up to good condition continually rises as the road continues to deteriorate. With the proposed improvements, the City and County might have an opportunity to come to some conclusion regarding cooperation which could result in eliminating jurisdictional conflicts and restoring the roads in question to their original condition and coordinate sidewalk and curb improvements.

If the County \$.03 gallon gas tax passes in November, the City would get \$139,000 the first year, which amount would be offset against the street levy, reducing it considerably, he explained. Clackamas County asked all the cities to submit a priority list for road maintenance on County roads, in case the gas tax passed. He submitted a copy of the list Canby submitted to the County, and reviewed it with the Commission, explaining that the top priorities were Township Road [including a realignment of the intersection of S Township/S. Ivy], N. Pine, and a signal light at the intersection of S. Ivy/S. 13th Avenue. Mr. Jordan then directed the Commission's attention to a map

depicting roads that need improvement, which was attached to a list of failing streets, explaining that if the tax and levy passed, the worst roads would be improved first. Furthermore, Mr. Jordan explained that our Transportation System Development Charge is accumulating revenues, and the signalization at S. Ivy/S. 13th has been moved up into the first 5-year improvement time frame, whether or not the gas tax is passed, because those monies can be used for capacity improvements, but not maintenance improvements unless they are capacity-related and the costs must be identified clearly. The County and City cooperated on a small study of that intersection to see if it met warrants for signalization and considered vehicular traffic volume, pedestrian traffic volume and number of accidents. It was found that the intersection does not meet vehicular or pedestrian volume warrants, but does meet the safety warrants for signalization. As an interim measure, the middle crosswalk, the closest one to the intersection, will be eliminated, and pedestrian traffic will be directed into the safest areas and signs will be added to advise traffic, especially from the south, that children are crossing to and from school.

Mr. Jordan informed the Commission that the County is currently overlaying S. Ivy, from Highway 99-E to S. 13th, and utility improvements have been coordinated with this construction. Because it is almost impossible to bring roads to the overlay condition after utility cuts, Mr. Jordan explained the City endeavors to coordinate overlay improvements with cuts and, whenever possible to anticipate new development, install sewer laterals.

Another mechanism the study recommended, if all taxes/levies fail, is to form a transportation utility, which would charge everyone in the community a utility fee and possibly a storm drainage fee also. C.U.B. would administer it and the Council has the authority to form the utility, but would ask for citizen input prior to doing so. The fees would range approximately \$1.00/month for the utility charge and approximately \$.40 for the storm drainage charge.

Based on signalization questions at the intersection of Territorial and Highway 99-E from the audience, and questions about grades and warrants, a discussion was held about having a traffic engineer address the Commission in order that it might better understand the warrant issues involved in those decisions and, possibly, having a traffic engineer on retainer, paid for by the developer for the site in question.

Signage at Videoland store on Highway 99-E - Commission Ewert explained that the Commission has had an issue with signage on Highway 99-E with the Mini Storage and have asked that the owners fulfill their commitment with regard to the color of the sign. Videoland's signs are 2 square feet under the maximum allowed sign limits. The staff report had stated, under architecture that "A wall sign will be located on the north facing wall toward downtown Canby stating the name of the building. There will be no free-standing sign. There will be two wall-mounted signs identifying the building as

Canby Place. One sign will be on the downtown facade facing downtown Canby, the other sign will be on the front facade facing Highway 99-E. All other signage will be wall-mounted on the front facade by the individual tenants." In Exhibit 1, part of the Site and Design Review application, Mr. Anderson states "Highway signs are not contemplated at this time." Although nothing was specifically conditioned regarding signage, the Commission discussion included the submitted site design and the fact that no road sign proposed. Commissioner Ewert recalled a clock on the tower of the building. A color chart was submitted indicating the name of the building would be "Canby Station," but Commissioner Ewert explained he could not find reference to it anywhere now. The owner should have represented to the tenant that Canby does have a sign ordinance and advised the tenant of what was submitted for the Commission's review regarding signage. Clearly, the Commission agreed, the signage in question does not look like what was submitted either in color or design. Staff explained that the submitted color rendering was not exactly what was approved. The Commission agreed that neither bright red nor yellow appeared in the drawings. Staff explained that signage color has only recently become an issue after the Mini Storage was approved, without specific wording regarding sign color. When sign permits are submitted, they do not always depict the color scheme and the Sign Ordinance does not require colors be submitted. The Commission agreed, though, that when pictures are submitted as part of the application, they become part of the approval. Staff explained that virtually every project that comes before the Commission, especially under design review, experiences variation from the approval to actual construction. The Commission agreed that leeway is general accepted, but that the Videoland signs crossed that line. Commissioner Ewert pointed out that the staff report stated "The only signs that are proposed are individual tenant signs, and a main sign identifying the office complex as 'Canby Station' on Highway 99-E and on the north side of the building." Staff further explained that the applicant changed the name after all the maps were submitted and added that it was probably discussed, but never added to the final order. The Commission questioned the validity of the legal documentation on file, if applicant's chose to ignore what was approved. The Commission agreed that, based on documentation in the files, both the Mini-Storage and Videoland should be held accountable to meet the intentions of the Commission approval. In the case of Videoland, the free-standing sign should be removed and the colors of the remaining signs should be changed to more closely resemble the samples submitted, and be more compatible with the surrounding area.

School capacity issue - Staff explained that the school superintendent, Mr. Miller, will come before the Commission on October 9, but would appreciate receiving the Commission's questions prior to that meeting, in order to be prepared to respond to them. The Commission agreed to submit written questions to staff at the September 25th meeting, in order for them to be typed and forwarded to Mr. Miller. Among other things, the Commission agreed it would like a boundary map that covers the school district enrollment area, and a breakdown of each class size by grade, including the daily load per teacher. The Commission agreed, too, to defer this discussion to the September 25th agenda for further discussion

VI. OLD BUSINESS

DR 95-10/PUD 95-03 - Willamette Commons [continuation of Commission deliberation]

Chairman Schrader asked if any Commissioner had ex-parte contact or conflict of interest since the last hearing on this application. Commissioners Gustafson and Gerber stated they were abstaining. Commissioners Mihata, Schrader and Ewert had no conflicts of interest or ex-parte contact since the last hearing.

City Attorney, John Kelley, explained that the CC&Rs that were submitted were standard in form. The Commission considered the revised Final Order and discussed the following additions and amendments:

1. That any changes made have been approved by both Mr. Bennett and Mr. Sullivan, attorneys for applicant and Willamette Green Homeowners Association, respectively.
2. The Commission agreed to include in proposed condition #33, wording permitting the use of temporary signs, such as "For Rent" signs, as per Section 16.42 of the Sign Ordinance.
3. The Commission discussed the tot lot and agreed that a tot lot equipment should be provided, and groundcover should be similar in nature to other tot lots approved as part of other multi-family projects in Canby. It was agreed such wording should be added to proposed condition #20.
4. Discussion was held about the CC&Rs. The Commission originally wanted to add that the CC&Rs submitted at this meeting would be binding. Mr. Bennett and Mr. Kelly both explained that the CC&Rs were being approved in concept, but room must be allowed for changes regarding, for instance, those required by the lender. Mr. Kelley explained that it is tradition to permit changes as long as no substantive changes in the final version of the CC&Rs effect design review and planning requirements, maintenance, and conditions of approval. He added that he would review the final document with regard to form. The Commission agreed to add wording to proposed condition #12 to that effect.
5. The Commission discussed color and design of the buildings and compatibility with the neighborhood. The Commission agreed the developer should use earth tones in the color scheme. The Commission also discussed various roofing materials, including a preference for shake roofing. Nancy Salber stated that she was under the impression that shake roofs surrounded by trees are a fire hazard. She pointed out that the apartments that recently burned down in Canby had shake roofs and she believes the shake was replaced with composition roofing.

The Commission agreed to leave the materials (i.e. roofing materials) to be worked out between the developer and staff, as long as it blends well into the neighborhood, with a rustic look to it.

6. The Commission discussed road improvements on Territorial Road. Staff explained that the improvements to Territorial would be minor as the frontage is fairly limited. Improvements would include curbs, sidewalks, extension of the asphalt panel to the face of the curb, and the driveway approach.
7. The Commission discussed traffic on Territorial Road and made particular reference to Policy 1 and Policy 3 of the Transportation Element.
8. The Commission discussed proposed condition #34 regarding the timing of landscaping. Staff explained that the developer used the same phasing process for his landscaping at a previous project, which was successfully completed in a timely manner.
9. Though not a part of this application, in response to an inquiry from the audience that a transformer box is blocking vision clearance on Territorial, the Commission directed staff to bring the issue before the Traffic Safety Committee or contact the service provider.

Based on the amended application, site plans, landscape plan, elevations, utility plan, and drawings submitted May 16, 1995 and revised June 7, 1995 and August 1, 1995, **Commissioner Ewert moved to approve the final order for DR 95-10/PUB 95-03 with the following conditions:**

Notes:

1. Except to the extent modified by this Final Order, and other agreements and arrangements between Willamette Green Homeowners' Association and the Applicant, the Stipulated Judgment in the Circuit Court of the State of Oregon for Clackamas County Case 91-1-59, together with the agreements between the parties in such matter which was attached to the Judgment shall be respected and implemented.
2. Until this Order becomes final through any appeals or the appeal periods having expired the 1993 judgment issued by Judge Brockley (91-1-59) shall continue to control the development of the subject property. Thereafter, such judgment will control as modified by this Order.
3. The proposed setbacks [yards] are approved, as indicated on the applicant's site plan(s) for external lot lines. Distances between buildings are also approved, as indicated. These dimensions may be modified slightly, provided the changes are no less than the minimum permitted in the ordinance. It is understood that

many of the 40 homes are "zero lot line" situations and the reductions in lot size and individual yards are hereby approved to accommodate the specific structures approved as part of this DR/PUD.

4. The final plat must be submitted to the City within one (1) year of the approval of the preliminary plat approval according to Section 16.68.070).
5. 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).
6. "As-built" drawings shall be submitted to the City within sixty (60) days of completion. A copy of the "As-built" drawings shall also be submitted on a computer disk in an autocad format.
- 6a. Earthtone colors [i.e., medium to dark tan, green] shall be used in addition to the brick garage facade.

Prior to the Signing of the Final Plat:

7. The final replat shall reference this land use application - City of Canby, File No. DR 95-10/PUD 95-03, 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.
8. 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.
9. Utility easements shall be provided as required by the Canby Utility Board and Canby Public Works Supervisor, with twelve (12) foot easement on the entire perimeter of the parent parcel, and elsewhere as shown on the site plan.
10. The driveway width shall be twenty-four (24) feet, except for the portion up to and adjacent to the first eight (8) units north of Territorial Road, in which case it shall be thirty (30) feet wide.
11. The applicant, at its expense, shall draft amendments to the Declaration of Covenants, Conditions and Restrictions of the Willamette Green Homeowners' Association, and shall provide in the covenants, conditions, and restrictions and any other document affecting the Willamette Commons Subdivision, for a complete and separate operation, and for separate ownership of common

elements and restrictions on use for the two developments with the exception of the common access and the emergency access shared by the two developments. Unless the Willamette Green Homeowners Association amends its Declaration to reflect this separation of the two developments, this approval shall be void. In the event of a dispute between the Homeowners' Association of the two developments, Willamette Commons shall agree to binding arbitration of the same, in accordance with the rules of the American Arbitration Association.

12. The draft Declaration of Covenants, Conditions and Restrictions submitted to the Commission and placed in the record of these proceedings is approved as submitted. No substantive changes will be allowed in the final version of the CC&Rs that effect design review and planning requirements, maintenance, and conditions of approval. A final version of this document, along with draft By-laws for the Homeowners' Association shall be reviewed and approved as to form by the City Attorney.
13. The Willamette Commons CC&Rs shall acknowledge the requirement of lot owners and the Willamette Common Homeowners' Association to comply with City ordinances regarding the construction of all improvements.
14. The subdivision development fee, as provided in the Land Development and Planning Ordinance Section 16.68.040(G), shall be paid.
15. 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. Landscaping requirements are a requirement of the Site and Design approval and not specifically a requirement of the subdivision approval. Landscaping requirements are not required to be bonded prior to the signing of the plat.

Prior to and for the Building Permit Application:

16. The applicant shall participate in a preconstruction meeting with City staff, CUB, the fire district, etc., prior to construction.
17. Prior to construction, Canby Telephone Association shall be provided with the information required, as provided for in condition #1(a-d) of subdivision approval dated July 18, 1979.
18. Specific design and location of the sewer and stormwater disposal system (drywells) shall be as approved by the Public Works Supervisor. Site drainage to be designed and constructed such that the resultant overall drainage capacity will

be as good or better than the pre-development drainage of the site. The adequacy of the drainage system shall be certified by a registered professional engineer.

19. A landscape construction plan shall be submitted to the City Planning office as part of the building permit application for each phase. The plan shall include an irrigation system, planting schedule, plant locations within the landscaped areas, plant types and sizes, and the plant spacing. 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. Additional landscaping shall be provided in the area originally proposed for the swimming pool. The pool does not need to be built at this time, but may be added at a later point, if desired by the Homeowner's Association.
20. The requirement for a swimming pool from an earlier proposal is eliminated. A "tot lot" with play equipment shall be provided, and shall be similar in groundcover and nature to other "tot lots" approved and built in the City of Canby.
21. 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.
22. A minimum of eighty-eight (88) parking shall be provided.
23. The eleven (11) residential structures with forty (40) individual homes shall be constructed as approved in these DR 95-10/PUD 95-03 applications.
24. No building permits shall issued for the development approved by this Final Order unless and until the Declaration of Covenants, Conditions and Restrictions, in the form approved by the Planning Commission and the City Attorney, have been recorded and are binding on such development. The final version of the Declaration of Covenants, Conditions, and Restrictions shall provide for a funding mechanism from the individual homeowners to carry out the tasks delegated to the homeowners' association under that instrument. A copy of the recorded Covenants, Conditions and Restrictions shall be provided to the City Planner, prior to the issuance of a building permit.

During Construction:

25. During construction, erosion-control shall follow the *Erosion/Sedimentation Control Plans Technical Guidance Handbook for Clackamas County*, August 1991 [as amended].

26. Individual water meters shall be provided for each home.
27. A looped water main shall be installed in the complex, as approved by CUB and the Fire Marshal.
28. One additional fire hydrant shall be provided, to be located by the Fire Marshall.
29. An emergency access between Willamette Commons and Willamette Green will be constructed at the expense of the Applicant.
30. Concrete sidewalks shall be provided along Territorial and from Territorial Road to the development along the access drive.
31. On-site lighting shall be provided by the subdivision developer or association, which shall pay all costs of construction, operation, or maintenance.
32. The border between Willamette Green and Willamette Commons will be landscaped by the Applicant and thereafter maintained at the expense of Willamette Commons Homeowners' Association.

Prior to Occupancy:

33. Signs shall be placed at the entrance indicating "Dead End" and "Private Property No Through Traffic." Stop signs shall be posted at the exit. "No Parking" shall be posted in the turn-around driveway and other areas not intended for parking. No other signage is approved, except as provided by Section 16.42.028(1) - Temporary Signs. All signs shall be provided at the expense of the applicant.
34. The landscaping of the areas that will be maintained by the Willamette Commons Homeowners Association for each building shall be completed or bonded prior to the occupancy of each building. The landscaping of the areas that will be maintained by the Willamette Commons Homeowners Association for the areas that are not directly associated with a residential building shall be completed or bonded prior to the occupancy of the first building. All landscaping that is bonded shall be completed within six (6) months of the occupancy that it is associated with.

Commissioner Mihata seconded the motion and it carried 3-0.

VI. FINDINGS

Commissioner Mihata moved to approve the Final Order for SUB 95-03 -Township Village, Phase VIII, as amended to reflect that the right-of-way dedication on S.E. 10th

Avenue for the proposed intersection of S.E. 10th and S. Ivy is not necessary as such an intersection would cause a severe traffic hazard due to the severe curve on S. Ivy Street. The Commission also amended the Final Order to include that the right-of-way dedication between S.E. 10th Avenue and S. Ivy Street, without improvements to Township Road, the intersections of Township and Ivy and 13th and Ivy, would create undue public pressure to build the road connection prior to these other needed improvements and would encourage more traffic through the Township Village development than is appropriate. **Commissioner Gerber seconded the motion and it carried 4-1, with Commissioner Ewert voting no.**

DR 95-14 - Canby Apartments, Phase II

The issues discussed included:

1. Planting of groundcover in and around the shrubbery landscaping is an acceptable alternative to increased density of shrubbery planting.
2. Play structures are needed for a multi-residential development. A type similar to those provided in recent developments (i.e. Pine Crossing Manufactured Home Park, Cedar Ridge Subdivision) will provide appropriate play structures. Additionally, the Planning Commission finds that placement of non-splintering material underneath and around the play structures is necessary to reduce injury and liability.
3. 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.
4. The color of the signs need to 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.
5. Parking along the 1/2 street improvements will create potential traffic circulation problems in that any parking along the twenty (20) foot wide street would restrict traffic to one-way only at that location.
6. In order to restrict non-local through traffic 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 not be paved and a barricade will be placed on S. Pine Street at the southern end of Canby Apartments Phase I.

Based on the Commission deliberations, **Commissioner Gerber moved to approve the Final Order for 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. South Pine Street, south of Canby Apartments, Phase 1, shall not be improved. A barricade shall be placed at the southern end of the improvements to S. Pine Street.
18. Play structures similar to those provided in recent developments shall be provided, as shown on the site plan. A low fence shall be provided between the play structures and S. Pine Street.

Commissioner Gustafson seconded the motion and it carried 4-1, with Commissioner Ewert voting no.

Based on the previous discussion, the Commission approved the minutes of August 28, 1995, amending them to reflect portions of the Commission discussion regarding Phase II of the Canby Apartments Commission discussion.

VII. PUBLIC HEARINGS

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]. Continued from August 28, 1995.

Chairman Schrader asked if any Commissioner had ex-parte contact or conflict of interest since the last hearing. None was indicated. He then reviewed the hearing process and procedures and indicated the applicable criteria that was posted in the room and explained that the hearing was continued for Commission deliberations.

Issues discussed included:

1. The Commission discussed the proposal for chain link fencing. It was agreed that a perimeter chain link fence is not considered to be aesthetically appealing because the development will be viewed by the public from the Logging Road, and is therefore not needed..

2. The Commission discussed the property to the north and agreed that a sight-blocking, cedar fence or sight-obscuring landscaping should be constructed on the north property line, between Buildings 1 and 5, so as to block the headlights from vehicles being parked in that location from residents to the north. The applicant stated he preferred a sight-blocking cedar fence along that line.
3. The Commission discussed the play area. It was agreed that in order to provide a more open area for the proposed play structures, they should be located in the southeastern corner of the development site. If the property is further developed in the future, the play structures may be relocated as a part of further development review by the Planning Commission.
4. The Commission discussed access to the Logging Road for pedestrians. It was agreed that the emergency access to the Logging Road would serve a dual purpose if defined and designated for pedestrian and bicycle access also. Mr. Sharp informed the Commission that the geotechnical engineer reviewed the Logging Road and found it is stable. The Civil Engineer, Mark Rad, informed the Commission that the applicant must have control over the access, or erosion will take place more quickly. The Commission discussed the fact that some of the bank is not on the applicant's property and, rather, belongs to the City.
5. The Commission discussed signage. Although no signs have been proposed, it was agreed that the color of the signs should be coordinated with, and compatible to the color of the apartment buildings so the development will present an aesthetically pleasing appearance along N. Pine Street. Mr. Sharp stated that the colors will be complimentary to the site development and will not exceed the square footage permitted based on frontage. When the sign application is submitted, the color scheme will be submitted also, he added.. The Commission agreed the sign could be 2-sided, but limited to 5' x 6', or 60 square feet [30 square feet or less on each side] to avoid vision clearance problems.
6. The Commission discussed the on-site drainage situation. Staff reported that Curt McLeod, the City Engineer, concurred that more drywells will solve the problem of on-site drainage
7. The Commission discussed encouraging the applicant to work with Clackamas County regarding the rise in N. Pine Street.

Based on the findings and conclusions contained in the staff report dated August 18, 1995, on testimony of August 18, 1995, and on Commission deliberations of August 28, 1995 and September 11, 1995, **Commissioner Mihata moved for approval of DR 95-15 with the following conditions:**

Prior to the issuance of the Building Permit:

1. A preconstruction conference shall be held prior to the issuance of the building permit. The conference shall be coordinated through the Planning Office.
2. Acceptance of the dedication of the additional N. Pine Street right-of-way shall be obtained from the City Council. The dedication shall be recorded with Clackamas County prior to construction.

For the Building Permit Application:

3. 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.
4. The landscaping shall be planted at such a density so as to provide a minimum of 95% coverage of the landscape areas with vegetation, within a 3-year time period. Bark mulch and similar material shall consist of not more than 5% of the total landscape area after the 3-year period. The plant spacing and starting plant sizes shall meet the ODOT plant spacing/starting size standards. The spacing requirements for the plants to be used in the landscaping are as follows:

Abelia grandiflora 'Ed Goucher (Ed Goucher Abelia)	4' O.C.
Berberis verruculosa (Warty Barberry)	3' O.C.
Berberis thunbergii 'Atropurpurea' (Japanese Barberry)	3-4' O.C.
Escallonia 'Apple Blossom' (Apple Blossom Escallonia)	4' O.C.
Euonymus alata (Dwarf Burning Bush)	4-5' O.C.
Mahonia aquifolium compacta (Oregon Grape)	2-3' O.C.
Pieris japonica (Japanese Andromeda)	4-5' O.C.
Photinia frazeri (Frazer Photinia)	8' O.C.
Potentilla fruticosa 'Katherine Dykes'	4' O.C.
Prunus laurocerasus 'Otto Luykens' (Otto Luyken Laurel)	6' O.C.
Raphiolepis indica 'Ballerina' (Ballerina India Hawthorn)	3' O.C.
Rhododendrons	5' O.C.
Viburnum davidii (David Viburnum)	3' O.C.

5. Four (4) 'Scanlon' Red Maples shall be planted along N. Pine Street. Two (2) shall be planted on either side of the entrance. The two (2) that will be planted on the south side of the entrance, shall be planted on either side of the walkway that connects the apartments with the N. Pine Street sidewalk. The street trees shall be planted no closer than ten (10) feet from the entrance drive and no closer than twenty (20) feet from each other. The street trees shall be planted twelve (12) feet behind the N. Pine Street curb, and shall be at least 2" caliper trees when planted.
6. The road improvements for N. Pine Street shall include paving, curbs, sidewalks, street lights, utility trenching, and street trees. The improvements shall meet the City and County specifications for construction.
7. The entrance to the apartments shall be at least thirty-five (35) feet in width, and no wider than forty (40) feet. The inside radius of the reverse curves in the entrance drive shall be no less than thirty-five (35) feet.
8. Two emergency vehicle entrances shall be provided. They shall be located at the northeastern and southern ends of the interior drive. The interior drive shall be provided with emergency vehicle crash barricades.
9. The fire hydrant shall be provided in the parking lot landscape island that is located northeast of Building 2. The water line that services the fire hydrant shall be eight (8) inches in diameter and shall be looped.
10. The southwestern sewer line, servicing Buildings 2 and 3, shall be eight (8) inches in diameter.
11. All drainage is to be handled on site, as per Clackamas County standards.
12. The compact spaces shall be a minimum of sixteen (16) feet in depth and shall be designated as "Compact" parking spaces.
13. Wheel stops shall be provided for all parking spaces.
14. The curbs of the interior drive, where not immediately abutting a parking space, shall be painted red.

15. The signs shall be a minimum of ten (10) feet from the N. Pine Street right-of-way. The maximum amount of signage permitted is sixty (60) feet. The color of the signs shall be compatible with the color of the buildings.
16. The location of the play structures shall be in the open area in the southeastern portion of the property.
17. No fences shall be constructed along the perimeter of the property, except for a six (6) foot high sight-blocking cedar fence between Buildings 1 and 5.

Other Notes:

18. The address identification shall meet the Uniform Fire Code 901.4.4.
19. A designated and defined path access shall be provided from the development to the Logging Road along the access route for emergency vehicles from the Logging Road to the development.

Commissioner Gerber seconded the motion and it carried unanimously.

The hearing for MLP 95-05 [Carl Soles] was opened. Commissioner Ewert moved to continue MLP 95-05 to September 25, 1995. Commissioner Gustafson seconded the motion and it carried unanimously.

The hearing for DR 95-16 [Rod Larios] was opened. Commissioner Gustafson moved to continue DR 95-16 to September 25, 1995. Commissioner Gerber seconded the motion and it carried unanimously.

VII. DIRECTOR'S REPORT

Staff reported to the Commission:

1. That the curbs are in at Pat Harmon's Noble Court development, that there are weep holes in the curbs to handle the runoff water, and a small area is painted with cross hatching next to the driveway to denote where the sidewalk starts, to ensure visibility for vehicles.

2. That the fence at Pine Crossing Manufactured Home Park is completed. Also, Mr. Watson has advised staff that he wants to keep all revisions to the landscaping plan to an absolute minimum.
3. That with regard to the appeal of the new fire station, the City Council required the construction of a masonry wall prior to occupancy of the building.
4. That with regard to Mark Crorey's appeal of the Planning Commission denial of a commercial development at the corner of S.W. 2nd and S. Ivy Street, the City Council overturned the Commission's denial and Mr. Crorey will move forward with developing the site.
5. That the design review application for the Chevron Station at the corner of Highway 99-E and Ivy is also being appealed to City Council. Because the addresses at Willamette Green were recently changed and the Final Order, accompanied by a letter explaining the appeal process and timelines, was evidently mis-delivered, Council accepted the request to appeal the decision past the 15 day limit.
6. That Mr. Kolberg appears to have pulled out of the subdivision portion of the Joan Jones' annexation application process. Ms. Jones appears to be proceeding with the annexation anyway.
7. That Township Village, Phase VIII, will be scheduled for hearing before the City Council to appeal the approval, which included no requirement for right-of-way dedication for the possible intersection at S.E. 10th and S. Ivy Street, which is included in the Transportation Plan adopted by the City.

VIII. ADJOURNMENT

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

Respectfully submitted,

Joyce A. Faltus