

MINUTES
CANBY PLANNING COMMISSION
REGULAR MEETING
SEPTEMBER 25, 1995
7:30 P.M.

APPROVED

I. ROLL CALL

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

Staff Present: James Wheeler, Assistant Planner, and Joyce Faltus, Secretary.

Others Present: Rod Larios, Dennis Larios, Michael Shadeen, Bob Westcott, Morris Holum, Don Wilson, Maynard Nofziger.

II. MINUTES

The minutes of September 11, 1995 were approved, as corrected.

III. CITIZEN INPUT ON NON-AGENDA ITEMS

None

IV. COMMUNICATIONS

None

V. COMMISSION DISCUSSION OF PLANNING ISSUES

The Commission discussed the forthcoming meeting with Steve Miller, School Superintendent. Commissioner Mihata reported the outcome of her meeting with the Lake Oswego School District Superintendent. Ms. Mihata explained that the Lake Oswego School District updates the school capacity report to current development and that one part of it relates school capacity to the definition they have formulated for the "Urban Level of Service." The standard definition was discussed, as was the criteria the report is based upon. Ms. Mihata suggested discussing the formulation of an Urban

Level of Service Standard, relating to school capacity and class sizes, for the Canby School District with Mr. Miller. Suggested items for discussion with Mr. Miller were then formulated [actual count of students in each school's boundary as compared to actual capacity; how boundaries might change, need for portables, etc.]. A discussion was held to determine if the Canby School District fell under Senate Bill 908, as a high growth school district. Chairman Schrader reported that, based on his discussions with Mr. Miller, he believed the Canby School District was not far from reaching that point, and that the school district should be preparing for when it does meet that criteria. Further, Chairman Schrader reported that a Long Range Planning Committee was being formed by the school district, which will start meeting in October. It will meet once or twice a month for a six month period and a Planning Commissioner is needed to serve on it. To recap, some of the issues the Commission wants to discuss with Mr. Miller are: a definition of Urban Level of Service, capacity within each school, each school's boundaries, the question of portables [whether more should be added], annexation and the Commission's role, where a new school would be located if it was approved, and whether the Canby School District is subject to Senate Bill 908.

VI. OLD BUSINESS

DR 93-08/DR 94-05 - Inertia Systems [Bruce Broetje]

Staff explained that Mr. Broetje submitted site plan revisions on September 13, 1995 and referred to a letter dated September 19, 1995 addressed to Mr. Broetje approving his revisions, subject to certain conditions. Many of the revisions refer to ADA parking spaces. Mr. Broetje also requested an extension of time to pave the site, until July, 1996 due to the construction timing for Buildings 2 and 3 and the need to extend underground utility services to those buildings, prior to paving. Fencing, shrubbery, trees, signage, a concrete walkway connection between the public sidewalk and main entrance, access/egress, were all other issues covered in the site plan revisions. A bond for all landscaping and exterior improvements not yet completed was submitted to the City, with no expiration date.

Bruce Broetje, P.O. Box 904, explained that the revised plan included 3,600 square feet more of landscaping and 3,600 square feet less of blacktop. Additionally, he explained that the landscaping would be completed just as soon as the dirt was put back in the ditches. That would take place after the natural gas lines, communication lines, fire sprinkler lines, and irrigation systems were extended to buildings 2 and 3. Since those lines all have to cross the road, if the blacktopping was done now, it would have to be torn up and redone. Final prints for buildings 2 and 3 have been delayed, which is why building permits have not been applied for yet.

After a short discussion, the Commission approved delaying the paving until July, 1996, provided the landscaping is completed and the site is kept clean.

MLP 94-09 - Bergen

During the Planning Commission review of this partition, improvements to the frontage of the parcel along N. Pine were discussed. Staff asked the Commission to clarify whether or not the improvements along N. Pine included all three lots. As the plat is ready for signing staff presented the signed Final Order and minutes of the meeting for Commission review. The applicant is under the impression that only the frontage along the northern two lots had to be improved, and could be done at a later time. After a short discussion, Commissioner Jackson moved to require improvements to the frontage of lots 1 and 2 on N. Pine Street, with the stipulation that any future development of parcel 3 would require full street improvements for the remainder of the property. Commissioner Ewert seconded the motion and it carried 5-1, with Commissioner Mihata voting no, as she believed the entire frontage of lots 1, 2, and 3 should be improved along N. Pine Street.

Village on the Lochs - Staff explained that Village on the Lochs was sold. The landscape bond under the previous owner is in the process of being cleared up, so it can be released. The area was originally well forested which was cleared for development. Part of the design plan for the development included a number of accent trees to be planted, essentially Douglas Fir trees. Initially, as each home was ready to be delivered, the landscape bond covered the accent tree plantings, which plantings have been delayed constantly. At the present time, Mr. Nelson does not want to plant them. Trying to plant the trees on existing landscaping will upset many of the homeowners. After reviewing the tree plan and advising the Commission that some homeowners are planting trees independently of what was required, staff asked for input from the Commission regarding the issue of planting accent trees on the vacant lots and on lots where homes have been placed. Some homeowners have individual landscape bonds on the site, staff explained, but the agreement between the City and Mr. Nelson differs greatly from what Mr. Nelson explained to homeowners about the landscape bonds. Staff proposed including the accent trees on future set-up permits, after explaining it to the owner and having them initial it. About half of the landscaping is in and less than half the accent trees have been planted. After discussing the issue at length, Commissioner Mihata moved to enforce the Commission's conditions and hold the bond until all the trees are planted on the lots, per the plan, [substitutes will be permitted, as per the Street Tree List, if requested by the present homeowners], and survive for at least one year. Accent trees, where they were supposed to be shall be planted. If suitable substitutes have been planted, they shall be approved. Commissioner Larson seconded the motion and it carried 5-1, with Commissioner Larson voting no.

VII. NEW BUSINESS

INT 95-01

Toy Man - . The building housing the Toy Man is approximately 4,000 square feet, which would permit approximately 320 square feet of signage for the entire building, as it fronts on two streets. Staff currently interprets the ordinance so that the 320 square feet would be divided between the individual stores occupying that building, and by the percentage of space they occupy. The Toy Man occupies 15 percent of the entire building, or 670 square feet, and, therefore, would be allocated 48 square feet of signage. When they applied for a sign permit larger than the 48 square feet [81.5 square feet, which is already in place], it was denied. Staff wrote a letter explaining the interpretation, allowing them the opportunity to appeal. Whether or not the applicant is eligible for the bonus would depend on whether the particular store has frontage on two street, which is not the case in this instance. The applicant believes that since the store occupies the corner portion of the building, it is allowed the bonus. Citing the square footage of Canby Square Shopping Center, which is approximately 95,000 square feet [not including the restaurant and bank], staff indicated that if each individual store was evaluated for the square footage it occupies, there would be 3,000+ square feet of signage. Some stores in Canby Square are 1,500 square feet, which would be permitted 15 square feet of signage, which could be considered excessively restrictive, while allowing 3,000+ square feet of signage for the shopping center could be considered excessively permissive. Based on this, staff is seeking direction from the Commission. Commissioner Gerber moved to support staff's interpretations and carry them forward in the future. Commissioner Larson seconded the motion and it carried unanimously.

VIII. FINDINGS

Commissioner Larson moved to approve the Final Order for DR 95-15 [Pro Construct]. Commissioner Ewert seconded the motion and it carried unanimously.

IX. PUBLIC HEARINGS

At both the applicant's request for a continuance, Commissioner Ewert moved to continue MLP 95-05 to October 23, 1995. Commissioner Mihata seconded the motion and it carried unanimously.

DR 95-16, an application by Rod Larios for design review approval to construct a single story 36' x 80' industrial/commercial building to be used as a manufacturing facility for fencing boards and a showroom. The 21,742 square foot parcel is located on the north side of S.E. 3rd, east of S. Pine Street, and south of Highway 99-E [Tax Lot 600 of Tax Map 3-1E-34C].

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

Mr. Wheeler presented the staff report. He explained that two 35 foot access drives are proposed from S.E. 3rd Avenue. The eastern access drive will be entrance-only, and the western drive will be exit-only, and the parking spaces are designed for angle parking, which would provide easier parking for the one-way access design. No walkway is provided from the sidewalk to the building, but should be provided. In the light industrial zone, a fence is required for any outdoor storage. Although the applicant does intend to construct a fence, no plans regarding location or material has been presented with the application. As depicted on the color rendering, the metal building will be gray, with a white metal roof. The applicant is proposing a small [approximately 15 square feet] clear-coated wood sign, with black painted letters, to be placed on the building facing S.E. 3rd Avenue. The applicant is proposing more landscaping than is required. It is proposed to be along the western, southern, and eastern perimeter of the property. One proposed Blue Spruce tree at the west side of the entrance might interfere with traffic and parking. Staff recommends that it be replaced with a smaller, deciduous tree. Further, staff recommends adding, in the landscaped area between the entrance and exit, three street trees. Fifteen percent of the parking area is proposed to be landscaped, none of which interferes with the ingress or egress. Staff recommends approval with proposed conditions.

Applicant

Rod Larios, 34220 S. Needy Road, Woodburn indicated where he would like to install a 6' cyclone fence with redwood slats around the storage unit and indicated he would like to put a cyclone fence around the entire perimeter inside the property line.

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

1. The Commission discussed the need for a sight-blocking fence along S.E. 3rd Avenue. Although it was agreed such a fence is not required as there is a sight-blocking fence on the site of the residential property located across the street, and a sight-blocking fence at Pine Crossing Manufactured Home Park also provides the visual barrier required by the Ordinance, the Commission agreed a fence was needed for security purposes for this light industrial use.
2. The Commission discussed the need for maintaining standards of uniformity in fencing materials for the industrial park.

3. The Commission discussed the timing of the paving and landscaping installation. Staff explained that the landscaped areas must be 95% covered by vegetation within a 3 years period. Normally, a plant spacing plan is implemented to facilitate mature coverage in 3 years. Additionally, all improvements are required at time of occupancy, which includes paving, or bonding is required.

Based on the findings and conclusions contained in the staff report dated September 15, 1995, on testimony at the hearing, and on Commission deliberations, **Commissioner Jackson** moved to approve DR 95-16 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. The Data Disclosure Form shall be completed and submitted to the City's Sewer Department prior to the issuance of a building permit.

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:

Azaleas

3' O.C.

5. An additional three (3) Cleveland Norway Maples shall be planted between the entrance and the exit. These trees are to be no closer to the access drives than fifteen (15) feet, and shall be a minimum of thirty-five (35) feet from each other and shall be planted twelve (12) feet behind the S.E. 3rd Avenue curb, and shall be at least 2" caliper (2" at a 4-foot height) trees when planted.
6. The Blue Spruce proposed on the west side of the entrance shall be replaced by a tree selected from PGE's "Guide To Selecting Street Trees". The tree shall be at least 2" caliper (2" at a 4-foot height) trees when planted.

7. A walkway connecting the sidewalk along S.E. 3rd Avenue to one of the south-facing office entrances shall be provided.
8. A slatted, cyclone fence, six (6) feet in height, shall be provided along S.E. 3rd Avenue. Outdoor storage of materials shall not exceed the fence height. The color of the slats shall compliment the color of the building.

Prior to Construction:

9. The address for the job site shall be posted and shall meet the Uniform Fire Code 901.4.4 requirements.

During Construction:

10. Erosion-control during construction shall be provided by following Clackamas County's Erosion Control measures.
11. The A.D.A. parking space shall be striped and have signage provided to designate as an A.D.A. parking space.

Prior to Occupancy:

12. The entrance and exit shall have signs posted, facing S.E. 3rd Avenue, stating "Entrance Only" and "Exit Only", respectively.
13. Advanced Financing shall be paid prior to occupancy or connecting to the City Sanitary Sewer System. The principle amount due is \$2,059.20. Interest is accruing at \$0.3432 per day. The total amount due as of 9/15/95, is: \$2,189.62.

Commissioner Larson seconded the motion and it carried unanimously.

DR 95-17, an application by Don Wilson [applicant] for site and design approval to construct an office, storage, warehouse and maintenance shop facility for an electric utilities construction company. The development is proposed to occur on an 5.06 acre parcel. The site is located north side of N.W. 3rd Avenue, west of N. Baker [Tax Lot 1600 of Tax Map 3-1E-32DC].

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

Mr. Wheeler presented the staff report. He explained that the applicant proposes to construct an electric utilities construction company, comprised of two buildings, on a 5 acre parcel on the north side of N.W. 3rd Avenue, between two businesses, Sprague Controls and Hot Off the Press. The site is heavily shrubbed at the present time, having been used as a Christmas tree farm, but the majority of the site is proposed to be cleared if the development is approved. The property is located to the east of the City's water intake facility. Although the subject parcel includes the embankment, the development will not involve the embankment and will be at least five feet from it. The applicant proposes to develop 4.06 acres of the 5 acre parcel. A geotechnical engineer has studied the slope and bluff and has stated that storage of construction equipment can be safely situated as close as feet from the edge of the bluff. Additionally, the geotechnical report shows two drywells relatively close to the bluff line. Staff expressed concern about storm runoff from the paved area into the sloped area. Referring to proposed condition #6, staff explained that although a geotechnical engineer's report is required to specifically state that the location and function of the drywells is suitable for the stability of the slope, a requirement for pollution control separators for the drywells should be added as a requirement. The applicant proposes less parking lot landscaping than is required. After calculating where additional landscaping might be provided and finding that it might be possible with a landscaped island in the middle of the parking area, staff recommended that since the Planning Commission reduced parking lot landscaping requirements for the mini-storage on Highway 99-E, this development be allowed partial exemption per Section 16.49.120 which excludes utility service storage yards from parking lot landscaping requirements. To maintain its stability, the applicant is proposing to retain the vegetation along the bluff. Although the applicant proposes to maintain a 5 foot vegetative buffer strip along the top of the bluff, staff recommends that the Commission require a 10 foot vegetative buffer strip along the top of the embankment. There are approximately 47 trees proposed for the site, 32 within or adjacent to the paved vehicle parking area, which does not include street trees. The Serviceberries that are proposed within 10 feet of the parking area are generally considered to be shrubs, but can develop into small trees. For this proposal to meet the parking lot tree requirements, the Commission would have to accept the Serviceberries as trees, exempt the application from the requirement, or require fifteen additional trees in place of the Serviceberries. Should the Commission accept the Serviceberries as trees, proposed condition #5 would have to be amended. Twenty-eight parking spaces are required for such an industrial use, and thirty are proposed, including 2 handicap spaces and 5 employee parking spaces. Although only 1 ADA parking space is required to be van-accessible, the applicant proposes that both handicap spaces are van-accessible. A loading ramp is required and is proposed at the northwestern corner of Building "A," parallel to the building, across two doors. Additionally, there are four other doors where loading activity can take place. Wherever parking spaces abut walkways or landscaping, wheel stops will be required and are already proposed in the applicant's plans. The applicant proposes one access drive to the development, from N.W. 3rd Avenue. It will be approximately 36 feet wide. There is

pedestrian access provided from the public sidewalk and main parking area, to the entrance to the office. The applicant is proposing an 8' high chain link fence along the full perimeter of the property, with 3-strand barbed wire on top to ensure security for the development. The building is proposed to be of concrete, in tan, with blue highlights and a blue metal roof. Staff referred to page 4 of the staff report for complete details regarding architecture. A 3' ground-level sign identifying the business name and address, will be placed at the entrance to the driveway. Another sign will be located along the top of Building "A" and would be in almost the same highlight color as on the building itself. The site will be internally lit, provided through wall-mounted fixtures above the building's overhead doors and at the top of the office mansard roof, so as to light the parking areas adjacent to the office area. There will be pole-mounted lights, 25 feet high, approximately 150 feet apart, around the outside storage yard. All lighting will be placed in a way to avoid illuminating surrounding properties. The Fire Marshal has requested the placement of a fire hydrant, the exact location to be determined prior to construction. Fifteen percent of the developed portion of the area is proposed to be landscaped, which does not include the vegetation area near the slope. Staff recommends approval with conditions.

Applicant

Don Wilson, Wilson Construction, 12035 NE Marx Street, Portland 97220 explained that Wilson Construction Company is a power line contractor. They build transmission lines, distribution lines, underground/overhead type of facilities, and work predominantly in Oregon, Washington and Idaho. The facility will be used mainly for storage of equipment trucks. No bulk oil or transformers are stored, other than what would be used in the day-to-day changing of oil and servicing of trucks. Wilson Construction anticipates having no floor drains in the building, and that everything would be cleaned up and absorbed with absorbing-type materials. The washing building was intentionally enclosed so rain water would not go into the system. A system similar to the Landa system will be installed, which skims the water and recycles it so the washing cycle actually re-uses water. If too much washing takes place and the water does not evaporate, some will go into the City sewer system, which has been cleaned at less than 100 parts per million which meets Portland standards, and can actually clean to 10 parts per million which would allow it to be discharged into a drywell. The intention, he explained, is to be environmentally conscious. The drywell system the applicant is proposing, has an oil retention system. Furthermore, the property drain is sloped inward and nothing will go over the bank and down the hill. There are no hazardous or toxic types of substances involved in the operation stored on this site, other than what would be in a typical truck repair facility, like oil and anti-freeze. No transformers, regulators, compactors, etc., will be stored on-site. [Testimony about the fire hydrant was totally inaudible on the tape.] Mr. Wilson stated further that he concurs with the staff report, including the 10 foot buffer area on top of the bluff, which would increase the landscaped area. Additional landscaping, he added, would push the

drywells further back. He urged the Planning Commission to approve the application, without landscaping abutting the building.

Bob Westcott, 1073 N. Grant stated that he was one of the property owners that was involved with the development of the streets and the grade on this property in the late 1970s. Regarding the drywell system, he explained that it was his intent to finance a storm sewer system that would run to the "Rinkes" property and later be hooked elsewhere, through LIDs, through that industrial area. Three engineers were involved: a City engineer, a utility board engineer, and a project engineer that Mr. Westcott brought in. All three engineers thought it was not necessary, but was more desirable to recharge underground aquifers with drywells. The only water that runs into the "Rinkes" property is the downtown core area water. On top of that, a City ordinance prohibits any on-site drainage going into the street. Mr. Westcott added that in his opinion that restriction should change and the City should consider storm drains.

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

1. The Commission discussed the proximity of the subject property to the City's water intake facility, and the operational nature of the intended use of the property for storage and maintenance of trucks, construction vehicles and equipment, and agreed that special attention is needed regarding both the stability of the embankment on the west side of the property and the quality of the storm water runoff from the site into the ground. It was agreed that a report from a geotechnical engineer hired by the City, at the developer's expense, should be submitted, attesting to the stability of the slope in relation to the use proposed to occur on top of the embankment. Additionally, the report should address the discharge of the storage area's storm water runoff into drywells in the vicinity of the embankment. Further, it was agreed that the quality of the water being discharged through the drywells would need to be monitored, at the developer's expense, twice a year for the first two years, then once a year for the following three years. The City's "pezo" wells at the bottom of the embankment should also be tested for water quality degradation. Further, the Commission agreed that no toxic or hazardous substances would be allowed to be on-site *other than* what would normally found in a truck repair facility.
2. The Commission discussed discharge to the City's sewer system. It was agreed that in order to provide the least amount of discharge to the City's sewer system, the wash facility should be a recycling system similar to the Landa wash recycling system.
3. Regarding access to the site, the Commission discussed the restrictive nature of N. Baker Drive's connection to N.W. 6th Avenue, and agreed that all traffic access the subject property utilizing the N.W. 3rd Avenue truck route.

4. Security for the site was discussed. The applicant explained that he was just as concerned for the safety of children who might climb the fence and get hurt around the equipment, as he was about equipment being stolen. It was agreed that the proposed security fence is appropriate in order to provide an appropriate security for the site, *except in the front, where the gates will be located*. At the gate location, no barb wires should be permitted.

Based on the findings and conclusions contained in the staff report dated September 15, 1995, on testimony at the hearing, and on Commission deliberations, Commissioner Ewert moved to approve DR 95-17 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. The Data Disclosure Form shall be completed and submitted to the City's Sewer Department prior to the issuance of a building permit.

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:

Amelanchier alnifolia (Western Serviceberry)	6' O.C.
Cornus stolonifera (Creek Dogwood)	5' O.C.
Gaultheria shallon (Salal)	2-3' O.C.
Mahonia aquifolium (Oregon Grape)	4-5' O.C.
Mahonia aquifolium compacta (Oregon Grape)	2-3' O.C.
Ribes sanguineum (Winter Currant)	5' O.C.

5. An additional five (5) feet of planting, for a total width of ten (10) feet from the top of the embankment, shall be provided along the top of the embankment. The landscaping of this additional area shall be an extension of the first five (5) feet. An additional fifteen (15) trees shall be added around the perimeter of the

outdoor storage area. The Cleveland Norway Maples are to be planted a minimum of thirty-five (35) feet apart. The street trees shall be planted no closer than ten (10) feet from the entrance drive and shall be planted twelve (12) feet behind the N.W. 3rd Avenue curb. All deciduous trees shall be at least 2" caliper (2" at a 4-foot height) trees when planted.

6. A report from a geotechnical engineer, hired by the City at the developer's expense and not to exceed \$1,900., shall attest to the stability of the embankment, accounting for the location and function of the drywells, specifically in regards to the impact of the proximity of the drywells to the embankment and the stability of the embankment, and accounting for the use and weight of the equipment/vehicles on the paved portion at the top of the embankment. Pollution separators shall be provided for outdoor storage area drywells.
7. A fire hydrant shall be provided in the vicinity of 100 feet northeast of Building B. The location of the fire hydrant is to be confirmed by the Fire Marshall prior to construction.
8. The wash facility shall be drained to the City sanitary sewer system after testing and pretreating, if required, as approved by the City Public Works Department and the wastewater management staff. The system shall be similar to a Landa recycling system.
9. Wheel stops shall be provided for the southern parking spaces (adjacent to N.W. 3rd Avenue). The walkway located on the east-facing side of the office shall be striped separate from the parking spaces. The A.D.A. parking spaces shall be designated as such with signs.

Prior to Construction:

10. The address for the job site shall be posted and shall meet the Uniform Fire Code 901.4.4 requirements.

During Construction:

11. Erosion-control during construction shall be provided by following Clackamas County's Erosion Control measures.

Notes:

12. No toxic/hazardous substances are permitted on site *other than* what would be in a normal truck repair facility.

13. Vehicles traveling to this facility shall utilize N.W. 3rd Avenue, not N. Baker Drive.
14. A test well shall be constructed to a depth of thirty-five (35) feet. The location of the test well shall be between the dry wells and the embankment. The test well shall be monitored for water quality degradation. The costs of the monitoring/testing shall be borne by the developer. The testing shall occur twice a year (beyond the baseline test) for the first two (2) years, then once a year for the following seven (7) years. The testing of the water shall include: total organic carbon, TPH (total petroleum hydrocarbons), and BTEX (benzene, toluene, ethyl benzene, xylene). A baseline test of the water quality of the water collected from the springs along the embankment shall be made prior to the occupancy of the site. Testing of the water quality of the test well shall occur in the late spring and fall semi-annually, and late fall annually, after the initial baseline test.
15. The fence is permitted to have 3-strand barb wire on top, *except* for the portion of fencing in the front, with the gates.

Commissioner Gerber seconded the motion and it carried unanimously.

IX. DIRECTOR'S REPORT

Staff explained that the Willamette Valley Country Club was investigating the idea of removing 2 older golf cart sheds replacing it with one larger one that would look like the remaining ones. The overall square footage is less than 2,500 square feet. They asked staff to check with the Commission regarding an interpretation requiring an accessory structure for a Conditional Use in an R-1 zone for Conditional Use permit purposes, as it could be interpreted that, as a new structure, they must meet Design Review requirements. The Commission delegated this for an administrative staff decision to ensure that adjacent owners would be notified. In that way, if anyone objected, it would then come before the Planning Commission for a hearing and decision. Staff suggested that, when modifying the Development Ordinance, such accessory structures for Conditional Use purposes come under administrative review.

Regarding Township Village 7, George Wilhelm advised staff the developers would like a wall on SE 13th Avenue, similar to the one on Township Road, with the same type of island landscaping in front. The Commission asked how the landscaping would be maintained, because Valley Farms Subdivision holds the adjacent property owners on the opposite side of the wall responsible for their section on the opposite side of the wall. After a short discussion, the Commission agreed maintenance was not an enforceable issue when it comes to landscaping around walls and, furthermore, that

walls around subdivisions sends an offensive message about Canby. Commissioner Mihata informed the Commission that Lake Oswego just passed an anti-wall ordinance. The Commission agreed this might be considered when amending the Zoning Ordinance, especially as the wall on Township Road was constructed after the development was approved, without Commission approval. It was brought to the Commission's attention that the sign on Township is constantly vandalized and, therefore, almost impossible to maintain. Staff addressed the issue of sign without a wall near where Pine was extended to S.E. 13th Avenue. After taking a straw vote, by majority vote the Commission agreed that no signage was permitted.

Staff advised the Commission that the City of Wilsonville has a growth management provision that ties it to adequacy of services in the Comprehensive Plan. The Homebuilder's Association submitted a House Bill that clamps down on moratorium actions related to service capacities. The bill would make it more difficult to relate growth management to services except if the Comprehensive Plan deals with service capacities and level of services and what they are. Wilsonville also has an ordinance that deals with traffic level of services, he added. Having such items as adequacy of levels of service and where the cutoff point would be, addressed in the Comprehensive Plan, makes such actions more enforceable, which would have to be done under Periodic Review.

X. ADJOURNMENT

The meeting was adjourned at 10:00 p.m.

Respectfully submitted,


Joyce A. Faltus