

**MINUTES**  
**CANBY PLANNING COMMISSION**  
REGULAR MEETING  
OCTOBER 9, 1995  
7:30 P.M.

**APPROVED**

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**I. ROLL CALL**

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

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

Others Present: Larry Sharp, Don Wilson, Kevin Howard, Lloyd VanLieu, Belva Clark, Curt McLeod, Ron Berg.

**II. MINUTES**

None

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

Commissioner Gerber explained that he was approached by citizens regarding a STOP sign on S. Pine and S.E. 10th. The citizens were concerned that 2-way STOPs were in effect on 10th, but none were installed on Pine. Staff explained that they have been recently installed on Pine and it is now a 4-way STOP.

**IV. COMMUNICATIONS**

None

**V. COMMISSION DISCUSSION OF PLANNING ISSUES**

Due to not receiving the packets from the Commission in a timely manner, Steve Miller, School District Superintendent, would not be addressing the Commission at this meeting. The Commission agreed to hold a special meeting October 30th to discuss school district issues with Mr. Miller.

Commissioner Gerber volunteered to serve as the Planning Commission representative on the School District Long-Range Committee. Commissioner Ewert volunteered to serve as alternate in the event Commissioner Gerber was unable to attend a meeting.

Chairman Schrader explained that the Blue Heron Recreation District is trying to contact various organizations to keep the recreation concept alive. He explained that the final budget is in place already.

## **VI. OLD BUSINESS**

### **DR 95-15 - Pine Terrace Apartments - Tree Removal**

Staff submitted a letter from Larry Sharp, with attachments from a tree service. Larry Sharp stated that the documents he submitted explain the circumstances behind the tree removal. He further explained that he visited the site with Mr. Wheeler and, after staking the buildings, what is remaining standing, is all that can remain standing due to necessary excavation for the buildings themselves. The original tree plan did not take into account the eave line, the umbrella of the trees, the root system or what kind of soil it was based on, etc. The only way these things can be determined is through field work, to see which trees will not become safety issues or damaged due to construction. The original tree removal plan only had the footprint of the building on it, not the utility easements that must be provided.

Questions from the Commission included:

- 1 Whether or not water lines, or pipes, could be installed under a tree root system. Mr. Sharp explained that it would depend on soil conditions, and in this particular area, the soil is extremely rocky. Additionally, he explained that the soil conditions are so rocky that the base of the trees and the root systems travel laterally rather than downward, creating a very shallow system which is easily disturbed. When the original trees were grouped, they served as wind breakers for each other and, when they are isolated they are more prone to falling.
2. Whether or not the facts Mr. Sharp submitted at this meeting should have been reviewed more thoroughly prior to his submitting a tree plan. Mr. Sharp explained that he remembers discussing the issue but felt that the Commission was more focused on the fence and other items, rather than on the trees. Had he realized it was of great concern, he would have returned before the Commission once the new facts came to light, he added.

The Commission directed Mr. Sharp to work with staff regarding a new tree plan, especially replacing some that were removed with fairly large caliper trees, and requested that once it was complete, it be brought back before the Commission for approval.

**VII. NEW BUSINESS**

None

**VIII. FINDINGS**

Commissioner Larson moved to approve the Final Order for DR 95-16 [Larios].  
Commissioner Ewert seconded the motion and it carried unanimously.

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Regarding the soils testing, staff explained that there is a company that did some testing along the same bluff line and their studies could be applied to this site. If conclusions could not be reached, new testing would have to be done. Regarding the water testing, staff explained that the report that was submitted was revised after discussions with CUB revealed what they were looking for. CUB would like a test well installed, approximately 35 feet deep, located about halfway between the embankment and the drywells to catch the runoff that goes into the drywells to test the underground flow to catch contamination, if any, at the earliest stage. The type of tests that CUB desires, along with the approximate costs and times for testing, were discussed, which included initial baseline testing of the springs that come off the embankment that run into a collection well. After the initial baseline testing, additional testing would take place twice a year [late spring and late fall] for the first two years, and once a year for seven years after that. Discussions were held with a testing firm that both the City and CUB have used. The applicant finds the water testing agenda acceptable, but is concerned about the costs of soils testing. **Commissioner Mihata moved to approve the Final Order for DR 95-17 [Wilson Construction Company], 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:***

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

***During Construction:***

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

***Notes:***

13. No toxic/hazardous substances are permitted on site other than what would be in a normal truck repair facility.
14. Vehicles traveling to this facility shall utilize N.W. 3rd Avenue, **not** N. Baker Drive.
15. 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.
16. 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 Gustafson seconded the motion and it carried unanimously.**

**IX. PUBLIC HEARINGS**

**SUB 95-01**, an application by Douglas F. Kolberg [applicant] and Joan Jones and Gertrude Thompson [owners] for approval to develop a 209-lot planned unit development subdivision. The property is bounded by Township Road on the north, the Molalla Forest Road on the east, and Trost Elementary School on the west [Tax Lots 900, 1100, and 1200 of Tax Map 4-1E-3]. **Subdivision portion continued from July 10, 1995.**

Staff advised the Commission that the subdivision application has been withdrawn, and that the owner [Ms. Jones] intends to submit a new, revised subdivision plan in the near future. Furthermore, Ms. Jones plans to go ahead with the annexation, which will be before City Council on November 1, 1995.

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**DR 94-11A**, an application by Kevin Howard for Design Review approval of a Mini-Storage/RV. Storage Center Sign. The site is located on the south side of Highway 99-E, east of S. Pine Street [Tax Lot 300 (part) of Tax Map 3-1E-34C].

Staff advised the Commission that a request for continuation was received today, accompanied by a waiver of the time requirements. The applicant is requesting that the application be heard on November 13, 1995.

Commissioner Mihata questioned whether the Commission should be hearing the application at all in light of the fact that it was heard and approved previously. Staff explained that the application is for a revision of the previously approved Site and Design Review application, and that this is the course of action suggested by the City Attorney. The hearing was then officially opened and **Commissioner Gerber moved to continue the hearing to November 13, 1995. Commissioner Larson seconded the motion and it carried 5-1, with Commissioner Mihata voting no.**

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**SUB 95-05**, an application by Hilda M. Wiederhold for approval to subdivide Parcel #2 of Partition Plat 1995-48 into 3 single family residential lots, ranging in size from 7,700 square feet to 10,750 square feet. The site is located west of Township Village IV and east of the Jehovah Witness Kingdom Hill, where S. Knott and S.E. 7th Way both terminate [Tax Lot 1101 of Tax Map 4-1E-3AB].

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 referred to the applicable criteria posted on the wall.

Mr. Wheeler presented the staff report. He explained that the subject property was partitioned from the Kingdom Hall property in 1994. As a condition of both the conditional use and the major land partition approvals, a connection of S.E. 7th Way and S. Knott Street is required, under the bonding for the completion of the Kingdom Hall, and should be completed by December 20, 1995. Further, he explained that this connection is required independent of this subdivision application. Given the road connection, Mr. Wheeler explained that the resultant lots will have an odd configuration, given the road connection, but are all considered to be buildable. Two of the lots, he explained, meet the basic solar standards, but that the third does not meet the basic standards although all solar building setback lines needed can be met within current setbacks and current easements. No street trees are required on the northern line due to the limited amount of space. Staff recommends approval, with conditions.

### **Applicant**

Lloyd VanLieu stated that he represents the trust [owners] who have no development experience. Mr. VanLieu has met with engineers regarding the street improvements. Additionally, the design of the subdivision was based on the design of the homes in the immediate area, so that it would they would be compatible with the surroundings. He was advised to bring the application before the Commission, in case there are requirements that must be met before the street is actually constructed.

### **Proponents**

None

### **Opponents**

None

### **Neither For Nor Against**

Belva Clark, 759 S. Lupine stated that she is concerned about the construction of the street. Ms. Clark explained that there is very limited space within which to plant trees, particularly due to the root system, which would eventually crack the sidewalk. Ms. Clark added that there are already street trees 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 the plat and was assured by the applicant that this was the "final" plat, as opposed to a "tentative" plat. The applicant assured the Commission that any proposed changes would be brought back before the Commission for approval.

2. The Commission discussed the lack of trees on the north side. It was agreed to add a condition stating that trees would be planted on the north side if there is more than three feet between the back of the sidewalk and the property line. Trees would have to be restricted to those that could handle very narrow planting areas.

Based on the findings and conclusions contained in the staff report dated September 29, 1995, on testimony at the hearing, and on Commission deliberations, **Commissioner Ewert moved to approve SUB 95-05 with the following conditions:**

***For the Final Plat:***

1. The interior lot lines shall have six (6) foot utility easements. An easement for street tree planting shall be recorded for the twelve (12) foot utility along the S.E. 7th Way connection.
2. The final plat shall reference this land use application - City of Canby, File No. SUB 95-05, 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 name of the street shall be S.E. 7th Way.

***As a part of construction:***

5. 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.
6. Any necessary utilities shall be constructed to the specifications of the utility provider.



7. 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.
8. 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.
9. The construction of the sewer system and street storm water system for the subdivision shall be approved by the Public Works Supervisor.
10. The local roads shall be constructed to the City specifications and standards. The improvements shall include: thirty-six (36) feet of paving, curb to curb, ten (10) inches of crushed rock and two (2) inches of Class "C" asphalt concrete pavement - with another one and a half (1-1/2) inches of Class "C" asphalt concrete pavement overlay applied one (1) year later; curbs; five (5) foot sidewalks, including the curbs; street trees; storm water drainage; extension of the utilities; and street lights.
11. 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.
12. Three (3) street trees shall be planted. The trees shall be planted eleven (11) feet from the street curb. Street trees shall be planted on the north side of S.E. 7th Way, if there is more than three (3) feet between the back of the sidewalk and the northern right-of-way line.

***Prior to the signing of the Final Plat:***

13. The subdivision development fee, as provided in the Land Development and Planning Ordinance Section 16.68.040(G), shall be paid.
14. 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.

15. 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 \$495 for the 3 trees to be planted (\$165 a tree). If option 2 is chosen, the City becomes responsible for the planting of the street trees.

**Notes:**

16. "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.
17. 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.
18. 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.
19. The approval will be null and void if the final plat is not submitted to the County within six (6) months after signing of the plat by the chairman of the Planning Commission (Section 16.68.070).

**Commissioner Larson seconded the motion and it carried unanimously.**

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**CUP 95-03/DR 95-18**, an application by the Canby Utility Board [C.U.B.] [applicant] and the City of Canby [owner] for approval to expand the water treatment facility, to include two new structures and rehabilitate the existing structures. The site is located on the west side of N. Cedar Street [Tax Lot 1000 of Tax Map 3-1E-32D].

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. Commissioner Gustafson stated that he would not take sit in on this hearing as he was elected to the C.U.B Board recently. He then reviewed the hearing process and procedures and referred to the applicable criteria posted on the wall.

Staff presented the staff report, explaining that the current facility was constructed in 1971 and expanded in 1980. The current building is 4,117 square feet with 1,963 square foot reactor tank and a 6,362 square foot clearwell. The proposed building addition is 4,266 square feet. The site is located on the west side of N. Cedar Street,

south of N.W. 6th Avenue and is located in a residential zone, which requires 30% of the site in landscaping, approximately 3% more than is proposed. Johnson Controls owns the property to the north and will provide an access drive to this site, which might become permanent. If it becomes permanent, it would trigger the construction of a sidewalk access to the site. There is an easement across the apartment complex parking lot to the east, which is where access is currently taken from. According to the Public Works Supervisor, no street improvements in front of the subject property are needed, nor are any new streets needed as a result of the proposed expansion. The nearest major intersection to the subject property is the intersection of N.W. 6th Avenue and N. Cedar Street, which is not considered a "problem intersection." The site is a flag lot and has no street frontage. During construction, access will be taken from the vacant lot to the north, and the possibility exists that the construction drive could eventually become the main accessway to the property. Should that become the case, sidewalks along the property to the north would become necessary. Access to the back area and loading facilities is a little difficult as there is a very tight turn as the site is entered and another very tight turn beyond the building. Parking lot trees on the north side of the parking lot should be selected from a list of deciduous trees. Staff recommends approval with conditions.

### **Applicant**

**Curt McLeod** stated that he is representing the Canby Utility Board. Johnson Controls is not planning to sell the driveway access to this property, but is interested in preserving a permanent buffer between the industrial zone and the residential zone, but is working with C.U.B. to develop the access and to landscape and maintain it. Plans to develop the access have already been submitted to Johnson Controls and they are reviewing it at the present time. Canby Utility Board has requested that Johnson Controls allow them to do the landscaping because they have a "zeroscape" design, which is something that is planned so people can see how conservation efforts are being used. The building colors are not exactly as shown on the plan, Mr. McLeod explained. The actual green color will be less bright, with a neutral stucco finish on the cement based blocks.

**Ron Berg, Board Member, C.U.B.,** stated that the two water treatment operators received the State's highest award. The same great pride that is taken on the landscaping at the Molalla River will be taken at this site, he added. During one very hot day this past summer, Mr. Berg explained that the City exceeded its capacity of 4,000,000 gallons usage per day. The present plan, he added, is at 4,000,000 gallons per day and there is no room for further development at this site.

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

1. The Commission agreed that staff and the Canby Utility Board would work together on a mutually satisfying Landscape Plan
2. The Commission agreed Mr. McLeod could submit the final color scheme for the metal building and submit it for staff's approval.

Based on the findings and conclusions contained in the staff report dated September 29, 1995, on testimony at the hearing, and on Commission deliberations, **Commissioner Gerber moved to approve CUP 95-03/DR 95-18, subject to the following conditions:**

1. The types of trees permitted to be planted are: dogwood, crabapple, alder, cascara (buckthorn).
2. An additional 1,320 square feet of landscaping shall be provided.
3. If the construction access drive is utilized beyond construction, the following shall be provided: the access drive shall be hard-surfaced (i.e. asphalt, concrete); a sidewalk along N. Cedar Street, for the street frontage of the property immediately to the north; a walkway along the access drive connecting the sidewalk and the office entrance.

**Commissioner Ewert seconded the motion and it carried 6-1, with Commissioner Gustafson abstaining.**

#### ***IX. DIRECTOR'S REPORT***

Staff asked Commissioner Larson whether he is planning to remain on the Commission. Mr. Larson explained that he would submit a letter stating his intention to remain. Commissioners Mihata and Gustafson will complete their terms at the end of December, 1995. Those positions will be advertised shortly.

#### ***X. ADJOURNMENT***

The meeting was adjourned at 10:30 p.m.

Respectfully submitted,

  
Joyce A. Faltus