

MINUTES
CANBY PLANNING COMMISSION
Regular Meeting
July 22, 1996
7:30 P.M.

I. ROLL CALL

Present: Chairman Schrader, Vice-Chair Ewert, Commissioners Gerber, Stewart, Dillon, Hartwell, Keller.

Staff: James Wheeler, Planning Director, Larry Vasquez, Assistant Planner, and Joyce Faltus, Secretary

Others Present: Skip Breshears, Jim Wolfe, Diana Boyer, Dean Boyer, Daniel Stark.

II. MINUTES

None

III. CITIZEN INPUT ON NON-AGENDA ITEMS

None

IV. FINDINGS

MLP 96-03 - Hans Kautz

Commissioner Ewert moved to approve the Final Order for MLP 96-03. Commissioner Stewart seconded the motion and it carried unanimously.

DR 96-05/CUP 96-01 - JV Northwest

A discussion was held regarding the placement of "Right-Turn-Only" signage at the exit of the site to direct truck traffic to use S.E. 4th to access Highway 99-E, rather than traveling through residential areas. The Commission expressed concern that, since the area is growing so rapidly, it would be in the best interests of residential dwellers if traffic was diverted away from residential areas. Mr. Wheeler explained that Canby Disposal trucks

would be using S.E. 4th in both directions, so this would present a direct conflict. The Commission requested signage stating "No Truck Traffic, except for local deliveries and pickups" be posted in residential areas. Mr. Wheeler explained that this was an issue for the Traffic Safety Committee, and that City Council would have to make the final decision. The Commission directed Mr. Wheeler to write a letter to both the Traffic Safety Committee and the City Council outlining the Commission's concerns regarding this issue.

Commissioner Stewart moved to approve the Final Order for DR 96-05/CUP 96-01. Commissioner Keller seconded the motion and it carried unanimously.

DR 96-06/CUP 96-02 - School District Modular

Commissioner Stewart moved to approve the Final Order for DR 96-06/CUP 96-02. Commissioner Keller seconded the motion and it carried unanimously.

DR 96-07 - Patterson

Commissioner Ewert moved to approve the Final Order for DR 96-07. Commissioner Stewart seconded the motion and it carried unanimously.

V. PUBLIC HEARINGS

DR 96-08, an application by Dean and Diana Boyer for approval to construct an 8,000 square foot building. The site is located on the north side of Township Road, east of the intersection of Township Road and the Southern Pacific Railway, and is known as 1976 S.E. Township Road [Tax Lot 1100 of Tax Map 3-1E-34].

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

Mr. Vasquez presented the staff report. He explained that the applicant, BBC Steel, is proposing to build an 8,000 square foot sales and storage building on the southern portion of a 12.42 acre lot. BBC Steel also owns property across Township Road, where they manufacture steel. The subject site is currently used as a parking lot for employees, and there is a fenced storage yard on the site also. On the western portion of the site, west of the proposed access drive for the new development, is an existing home. Although only 15% landscaping is required, the applicant is proposing approximately 22.4% landscaping. There are 9.5 parking spaces required, the applicant proposes 14 parking spaces, including 1 ADA parking space. The access road is proposed to be a 40 foot private drive off of

Township Road, east of the intersection of the Southern Pacific Railroad crossing and Township Road and will permit access to two paved areas on the site, and the northernmost point will contain a truck turnaround with a 60 foot radius. All truck traffic will be directed to the northernmost area. The application states that two or three 60' semi trucks will visit the site 2-3 times daily. Although the building itself has two doors, one on the northern side and one on the southern side, it will not be used as a drive-through delivery facility. Staff received a letter from Clackamas County addressing concern with the proposed access location of the southern paved area because it is located just 10 feet from the intersection of the proposed private drive and Township Road. Mr. Christofferson explained, in his letter, that the access would have to be relocated further north to allow use of the driveway when a vehicle is waiting at the intersection. He further stated that it did not appear that the turning radius is large enough for a truck turning right into the subject property, or left, leaving the site. This concern was discussed with the applicant and an agreement was reached, which revised the plans to accommodate the County's concerns. A 10 x 30 landscaped strip will create an access to the southern drive area that will be 30 feet off of Township Road [rather than 10 feet off Township Road]. The strip will be at a right angle to the 10 foot east-west planting strip at the property's frontage. The new landscaped strip will have plantings and an additional tree, which then would meet the parking lot landscaping requirement. Staff recommends that the existing drive to the existing home be eliminated, leaving access to the existing home come off the new 40 foot private driveway to the east of the house. This will eliminate one access point from Township Road. Because of the proposed traffic generated by this project, right-of-way dedication and widening of Township Road will be necessary, to include curb and sidewalk. An existing walnut tree may need to be removed due to the widening of Township. There is a slight elevation to the southwest of the site, so that when preparing for the private drive access, grading will have to be pushed back to maintain a clear sight distance of the road in both directions. Overhead electrical line poles along Township may have to be relocated due to the widening of the road also.

Applicant

Skip Breshears, P.O. Box 370, Aurora 97002 explained that the new plat incorporates the County's concerns. The applicant would prefer not to connect the BBC access driveway to the existing home due to the truck traffic on the access, adding that the sight distance would improve for the existing home, with the construction of this development. Mr. Breshears explained that there would be no noticeable increase in traffic due to this development, as the new site will be the sales portion and storage area of BBC Steel. Actual production would take place in the facility on the south side of Township Road. At the present time, the sales office and production facility are in the same place. With this development, moving the sales facilities to the new building, the production capability would be expanded on the south side. Each would have its own forklift and crane. The delivery trucks would not be the same for both facilities, so the amount of traffic crossing Township would not significantly increase.

Dean Boyer , 2001 S. Township Road explained that products will not be transported from one facility to the other. People who come to the sales office are buying raw steel, not the finished product, he added. The saws that cut the steel will be on the same side as the proposed building. The subject development will eliminate much of the traffic because, at the present time, people come in and park and then back out onto Township, with no turnarounds available. Additionally, as safety is also a concern, with the proposed development, customers will not be walking through the fabrication area any longer. Steel sheet stock will still be delivered to the facility on the south side of Township. The steel that will be moved to the new facility will leave room for employee parking behind the building on the south side, for south side employees, which will decrease foot traffic on Township, with employees parking on the side where they work. Mr. Boyer added that he concurs with the right-of-way dedication for the improvements to Township Road. In response to a question from the Commission about whether he would object to installing "Congestion" signs at either end of the property, Mr. Boyer stated that people travel about 70 miles per hour in the 35 mile per hour area and he didn't think signs would do any good. He did agree to install the signs, if conditioned to do so. In addition, Mr. Boyer stated that the existing home on the site has a gravel road and he would not object to cutting an access point in the shrubbery for them to access their home on the paved road. He added that there is a fence totally surrounding the house area.

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

1. The Commission discussed traffic that would be generated from this project. Mr. Vasquez explained that he understood the site would be used for pick-up and delivery of sales products.
2. The Commission discussed the access road and questioned whether the width would be sufficient to enter the southern parking area. Mr. Vasquez explained that the County was satisfied with the adjustments to the access, considering the size of the trucks that would be accessing the drive.
3. The Commission discussed the possible removal of the walnut tree. Mr. Wheeler explained that if the distance shown on the plat is correct, it will remain. The possibility exists, though, that it may not be far enough from the centerline, once improvements are made. The right-of-way width is 40 feet, 20 feet from the centerline.
4. The Commission questioned the comment from the County about a street going through in this site. Mr. Wheeler explained that it would be a concrete approach to distinguish it as a driveway and that it would not be a thru-street. He compared it to the Marlon South Apartments, where there is a private drive connection between 5th and Pine Street, but which is not a thru-street. If the subject drive

were to become a private drive connection, it would be dealt with under a further Site and Design Review application.

5. The Commission discussed, as a safety issue, signage at the entrance directing customers to "customer parking" so as to avoid customers coming into conflict with truck traffic entering and exiting the site.

Commissioner Gerber moved to approve DR 96-08 with the following conditions:

Prior to the Building Permit Issuance:

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. All necessary utility easements shall be recorded to the satisfaction of Canby Utility Board and Canby Telephone Association.
3. A 20' sewer easement for sewer line connection shall be recorded.
4. Right-of-way dedication for the improvement of S.E. Township Road is needed. The dedication of right-of-way shall be recorded prior to issuance of building permit.
5. The site will be accessed by a private drive with an elevated driveway approach off of S.E. Township Road.

For the Building Permit Application:

6. The entrance to the southern paved area off of the private drive will be moved back to allow for a 30' setback from S.E. Township Road as requested by Clackamas County Transportation. The setback will be met by construction of a 30' x 10' landscape median strip that will run north from S.E. Township Road, along the east side of the private drive.
7. 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.
8. The landscape plan will be amended to include an 30' x 10' median strip running on the east side of the private driveway directly north of S.E. Township Road. The planter median will include the planting of an additional tree to meet the requirements for parking lot landscaping.

9. 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. Trees are to be a minimum of 2" in diameter at the 4-foot height. Street trees are to be selected from the Portland Gas and Electric guide.

During Construction:

10. Erosion-control during construction shall be provided by following Clackamas County's Erosion Control measures.
11. Road improvements consisting of the widening of S.E. Township Road, including curb and sidewalk, shall be constructed to both the County and the City specifications and standards.
12. A lift or pump station may be required for sewer connection if there is not sufficient grade to allow for a gravity flow connection.
13. Grading of the driveway access entrance will have to be set back a sufficient distance to maintain adequate visibility of site access in both directions.

Notes:

14. Any future access connection with S.E. 4th Street shall be handled as a private drive and not as a through street.
15. The existing drive from the house shall be eliminated and the house will derive its access from the new paved private access drive.

Commissioner Stewart seconded the motion and it carried unanimously.

VI. COMMISSION DISCUSSION OF PLANNING ISSUES

Time Limits for Filing Conditional Use Permit Extensions

The Commission discussed Time Limits for Filing Conditional Use Permit Extensions, Section 16.88.090. Staff proposes that, at the current time, the applicant must request the extension at the time of application. The amendment provides for a one-time extension if it is applied for no later than 90 days prior to the expiration of the original approval. The revision has 4 stipulations attached to it: 1) that the extension does not change the original

application; 2) that the applicant specifically explains why the extension is needed; 3) that it be approved [or denied] by the Commission while holding a public hearing; and 4) that the cost of notification to the newspaper and adjacent owners and interested parties, be borne by the applicant. Additionally, the extension could only be granted for **no longer than 1 year**.

Traffic Study

Mr. Wheeler explained that he recommends that requiring a traffic study **not** be codified into the ordinance, but that it may be considered part of a complete application if the planner deems it necessary. He explained that there are certain conditions when a traffic study is not warranted, while other conditions would warrant a traffic study. Furthermore, he explained that the Commission could continue a hearing in order for the applicant to submit the information, or deny an application for lack of adequate information if it was required but not submitted. Chairman Schrader suggested adding it to Res. 91-01 (!), which outlines what information is or will be required from an applicant. Commissioner Ewert stated he would like to see this requirement written somewhere, so it does not get lost in the shuffle. Commissioner Gerber stated it might be included as part of the Design Review criteria. Mr. Wheeler, aware that the Commission would like it to be constantly in the foreground of review, explained that the Site and Design Review amendment includes "adequacy of public services," which would deal with this issue. Further, Mr. Wheeler explained that it would be impossible to codify everything that might be required by the applicant and it would be best left to staff's discretion, in the event staff believed it was necessary to complete an application. He pointed out that under "Subdivision Applications, Filing Procedures, Information Required" there is a long list of required information, some of which is rarely required. He suggested considering amendments to these sections as part 2 of the Land Development Ordinance Amendments, to make them less inclusive, while adding a section to 16.49, Design Review, which has no section listing application requirements. Commissioner Ewert stated that although this might not be codified into the Ordinance, City Council should be aware of the Commission's thinking on this issue, in the event of an appeal due to lack of a traffic report. Further, he requested that, within a year, it be either codified or implemented as the beginning of a foundation for similar application requirements. Mr. Wheeler suggested keeping Ordinance amendments to a minimum [once a year or less] to ensure everyone is working from the most current edition. Mr. Wheeler asked for further clarification as to which applications would require a traffic study. He recommended that a 3-lot minor land partition would not need to require a traffic study, nor would a tri-plex development. Commissioner Ewert suggested custom-fitting a traffic study to the impact of the development, rather than necessarily requiring one that covers a 10 mile radius. He further suggested discussing some applications with a Traffic Engineer to get input.

The Commisison agreed that a traffic study **may** be required if any of the following apply: 1) if more than one access onto any collector or group of collector streets [collector being designated by the City of Canby Transportatio Plan], 2) more than 6 residential units which enter onto any collector, or 3) industrial or commercial enterprises that would employ 20 or more people on any single shift. The Commission also agreed that in cases that fall outside the foregoing criteria, it would be up to the Commisison whether or not a traffic study was warranted. It was also agreed that, based on a one year study to see whether this criteria was suitable, the Commission would look into codifying this as criteria in the Ordinance, dealing with partitions, subdivisions, any apartments.

Right to Farm Ordinance

Chairman Schrader explained that this Ordinance evolved from the METRO discussions where people expressed concern about farm use and Canby's linkage to the quality of life and being farm-friendly. It is a way to avoid conflicts before the occur because as Canby continues to expand, it would help avoid legal conflicts with other jurisdictions. He further explained that this was designed after the Polk County Right-To-Farm Ordinance, and that John Kelley has reviewed and approved it. When a subdivision borders farmland, the farm cannot be considered a nuisance if it predates the non-agricultural use. Furthermore, Mr. Wheeler explained that if the farmland is within the City limits, there are specific limitations to the agricultural operation, adding that animal/livestock is not permitted. The City has no jurisdiction over agricultural operations outside the City limits, he added, although an intergovernmental agreement could be reached with the County.

The Commisison held a short discussion regarding the impact of the two uses and which use would be responsible to construct a separation barrier between the two [fencing] as a safety measure. A straw poll determined [4-3] that the Commission would recommend to City Council that it would be the responsibility of the developer to construct a cyclone fence to separate the two uses.

Other Ordinance Issues:

The Commission reminded Mr. Wheeler to check with the Canby Utility Board regarding a change for side yard setbacks.

Based on the summary of access patterns currently approved, the Commission agreed that one access point per 60 units was reasonable. This would replace Section 16.46.010, Number of Units in Residential Developments. Mr. Wheeler explained that the minimum for the paved access point for the private subdivision drive would be 28 feet, with parking on one side, or 36 feet, with parking on two sides, built to local road standards.

The design review compatibility matrix was reviewed with regard to Landscaping and Tree Retention, and the flexibility inherent in judging landscaping when holding public hearings. With regard to tree retention, Mr. Wheeler explained that an applicant is not required to submit an arborist report, but evaluations will include this criteria in the attempt to retain as many trees as possible.

The Commission discussed the format for the Findings, when prepared by the prevailing attorney. The Commission agreed that staff would submit a copy of the attorney's findings, with staff's editing highlighted. If the attorney's draft was submitted as is, it should be so noted on the document.

The Commission reviewed the updated sign table, Table 16.42.100, and agreed it was easier to read and understand, especially since it was broken up into businesses housed in individual buildings, and businesses housed in multi-business buildings.

Mr. Wheeler cautioned the Commission that these amendments cannot be required until they are actually part of the ordinance, which will probably not become effective until mid-October. A public hearing will be held before the Commission in August and before the Council in September. Applications submitted prior to that time are not subject to the revisions, although the revisions could be used as a guideline.

VII. DIRECTOR'S REPORT

Mr. Wheeler reported that the appeal of Country Club Estates #4 would be heard by City Council in September. He requested that Commissioners Ewert and Keller submit a brief memo to staff, by August 12, 1996, outlining the reasons they voted in favor of that application, prior to that hearing.

VIII. ADJOURNMENT

The meeting was adjourned at 10:38 p.m.

Respectfully submitted,


Joyce A. Faltus