

**MINUTES**  
**CANBY PLANNING COMMISSION**

Regular Meeting  
October 28, 1996  
7:30 P.M.

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**I. ROLL CALL**

Present: Chairman Ewert, Vice-Chair Gerber, Commissioners Stewart, Dillon, Hartwell, O'Shea and Keller.

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

Others Present: Hazel Kraxberger, Scott Beck, Christina Simon, Marty Lawrence, Brad West, Chris Tigh, Herman Bergman, Nancy Salber, Walt West, Wayne Scott, Tom Scott, Michael Birndorf, Jerry Earnhart, Darlene Kay, Richard Ares, Guy Gibson, Eland Grove, Scott Greenberg

**II. MINUTES**

None

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

None

**IV. FINDINGS**

- **ANN 96-03 - Wayne Scott Estates**

**Commissioner Gerber moved to approve the Final Order for ANN 96-03, recommending approval to City Council, as amended. Commissioner Keller seconded the motion and it carried unanimously.**

- **ZC 96-01 - Dan Onion**

**Commissioner Stewart moved to approve the Final Order for ZC 96-01, recommending approval to City Council. Commissioner Keller seconded the motion and it carried unanimously.**

- **VAR 96-01** - Mike and Nancy Jones

**Commissioner Keller moved to approve the Final Order for VAR 96-01. Commissioner Stewart seconded the motion and it carried unanimously.**

- **SUB 96-04** - TJ Meadows

**Commissioner Keller moved to approve the Final Order for SUB 96-04. Commissioner Dillon seconded the motion and it carried unanimously.**

**Commissioner Gerber moved to reconsider and amend the Final Order to delete the wording on page 3, #6, to delete the first sentence regarding the intersection of Territorial/Highway 99-E. Commissioner Stewart seconded the motion and it carried unanimously.**

- **DR 96-12/CUP 96-04/LLA 96-01** - Dan Anderson

**Commissioner Stewart moved to approve the Final Order for DR 96-12/CUP 96-04/LLA 96-01. Commissioner Keller seconded the motion and it carried unanimously.**

## **V. PUBLIC HEARINGS**

**DR 96-11**, an application by Walt West for Design Review approval to construct an office and apartment complex on the northeast corner of N.W. Third Avenue and N. Douglas Street [Tax Lot 102 of Tax Map 3-1E-33CC].

Chairman Ewert reviewed the hearing process and procedures, referring 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 coming to no conclusions, none was indicated.

Mr. Wheeler presented the staff report. He explained that the applicant is proposing to construct an 8,563 square foot building in a C-1 zone. The requirement for new residential structures and uses in the C-1, Downtown Commercial zone, is that they can take up no more than 25% of the building footprint on the ground floor area, and must be in conjunction with a commercial use. The project meets this requirement as the building will consist of a 2,816 square foot office on the ground floor, with 2 one-bedroom apartments on the second floor, directly above the office space. The ground floor will also house the downstairs units of two townhouse apartments and 4 garage bays. The second floor, along with the 2 one-bedroom apartments, will contain the upper floors of the 2 townhouse apartment units. and office and 4-apartment unit complex on the site. The office and 2 one-bedroom apartments will face N.W. 3rd, while the townhouse apartments will face N. Douglas. In addition to the 4 garage bays for the apartment units,

there are an additional 14 to 16 parking spaces. In order to accommodate some of the parking spaces, the applicant and a neighbor will have to work out a fence encroachment issue onto the property. Regardless of the outcome, the applicant can meet the minimum number of spaces that are required. Access to the property will be taken from N.W. 3rd Avenue and from the alley to the north, both of which are far enough away from the intersection of N. Douglas and N.W. 3rd Avenue. One free-standing monument sign, approximately 4' x 6.5' is proposed to be located near the entrance on N.W. 3rd Avenue, and will be of the same color scheme and style as the building. An arborist has recommended that the Locust trees on N.W. 3rd and on N. Douglas be removed, as they are not suitable street trees. Mr. Wheeler further explained that by having the combination of commercial/residential uses in the downtown zone, the presence of people around the clock adds to downtown security, as well as helping keep the overall density of the City higher.

### **Applicant**

**Nancy Salber, 1391 S.E. 10th** stated that the applicant concurs with the staff report. Ms. Salber explained that the applicant reviewed the Design Review Matrix prior to designing the building to assure its compatibility, even though it had not yet been adopted. According to the scoring system, the design of the building meets more than 70 percent of the criteria, including 2 bonus points. The exterior of the building will be done in tan colored exterior lap vinyl siding, and composition roof with white trim.

### **Opposition**

**Guy Gibson, 12369 S. New Era Road, Oregon City 97045** stated he was unsure if he was a proponent or opponent, but wanted his concerns to be on record and taken into account. Mr. Gibson explained that he was associated with the church that was being constructed on N.W. 4th and N. Elm, adding that the alley improvements were a big issue during the church's hearing because the alley improvements will affect the house whose garage encroaches into the alley. Furthermore, Mr. Gibson explained that the alleyway is also one of the exits from the parking area and as a turning space for the church's parking area. A nearby rental house also makes use of the alley for parking for multiple vehicles which, once the alley is improved and used for traffic flow, should not continue. He explained that he was addressing this issue so the applicant would be aware of the issues with the alley and the possibility of creating a hump for access into the encroaching garage.

**Jerry Earnhart, 1410 N. Oak** stated that he is also associated with the church. He asked how the approval of this project would impact the remainder of the property and whether it was setting a precedence if it was approved.

Mr. Wheeler explained that the proposal was an outright permitted use, not a conditional use for the site.

**Darlene Key, 508 NW 3rd** stated that she owns the Canby Pioneer Chapel, on the corner of N.W. 3rd and N. Elm. Ms. Key explained that she was concerned about the traffic using the alley directly behind the chapel because people living at the opposite end of the alley would use it to access Elm Street, rather than using N.W. 3rd Avenue. Further, Ms. Key stated she was concerned about the increased density in the downtown area with the addition of apartments, adding that single bedroom apartments would be less of a problem. With the previous application by the church, there was a requirement to install lighting. Ms. Key explained that she was concerned that similar requirements were not attached to this application, as it affects safety in the alley, especially with the increased use. In addition, traffic noise from the alley would be especially disrupting on weekends, when weddings take place at the chapel and people use the backyard for picture-taking.

### **Rebuttal**

**Nancy Salber** stated that the applicant concurs with the suggestion for lighting in the parking area. Further, Ms. Salber stated that, as owner/manager for the apartments, the tenants could be requested to refrain from using the alley as a direct route to downtown, but to use Douglas instead.

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

1. The Commission discussed the issue of sidewalks. Mr. Wheeler explained that 8 foot sidewalks would be constructed along the curb.
2. The Commission discussed the combination office/apartment complex. Ms. Salber explained that such combinations already exist in Tualatin and other infill areas. The Commission agreed it will enhance the mixed use nature of the downtown commercial zone.
3. The Commission discussed traffic safety issues with regard to the alley access. The Commission agreed that, since the applicant's site and the church were at opposite ends of the same alley, the applicant and the church property owners would have to coordinate the paving project to ensure traffic safety for the existing garage to the east of this project. Further, the Commission agreed that a "left-turn-only" sign would help ensure traffic safety and should be placed so as to direct those existing the parking lot to turn to the west.
4. The Commission discussed personal safety in the area and agreed that lights in the alley would increase safety for the parking lot area.
5. The Commission discussed the removal of the large, mature Locust street trees. Mr. Wheeler explained that, besides not being approved street trees, they would be impacted by the construction of the sidewalk.

**Commissioner Gerber moved to approve DR 96-11 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.

**For the Building Permit Application:**

2. 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.
3. 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.
4. Parking lot trees selected from the Portland General Electric guide shall be planted along the north of the parking area.
5. A five (5) foot wide ADA walkway shall be located between the front ends of the two ADA parking spaces.
6. Wheel stops shall be provided for all parking spaces located adjacent to landscaping or walkways. The wheel stops shall be placed two (2) feet in front of the end of the space. The A.D.A. parking spaces shall be designated as such with signs.
7. All stripes designated parking spaces shall be a minimum of 18 feet in depth.

**During Construction:**

8. Erosion-control during construction shall be provided by following Clackamas County's Erosion Control measures.
9. Sidewalks, 8' in width, shall be constructed along N.W. 3rd and N. Douglas Streets.
10. The parking area and the alley shall be lit by hooded light poles along the alley way.
11. The alley way shall be 20' in width and shall be paved the full length of the property.

12. "Left-turn-only" signs will be located in the parking area so as to direct parking lot traffic to the west.

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

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**DR 96-13**, an application by Scott Beck for Design Review approval to construct a 1,618 square foot addition and make alterations to the existing Canby Telephone Association office/warehouse complex located at 200 S. Ivy Street [Tax Lots 6700, 7300 (partial), and 7301 of Tax Map 3-1E-33DC].

As everyone in the audience was in attendance when the public hearing format and procedures were reviewed and the applicable criteria on the wall referred to, Chairman Ewert refrained from repeating it. He asked if any Commissioner had ex-parte contact prior to the hearing, or conflict of interest. Other than visiting the site, but coming to no conclusions, none was indicated.

Mr. Vasquez presented the staff report. He explained that the new construction will take place to the northwest part of the complex and that all the new space that will be constructed will be under the existing roof line with the exception of the new storage area, which will be to the west side of the complex. Although 1,124 square feet, or fifteen (15%) percent of landscaping is required for the new or remodeled floor area of the project, the applicant is proposing approximately 3,120 square feet, or 41% of new landscaping. The new landscaping will consist of a 10 foot wide strip of landscaping along a portion of S. Ivy Street and a portion of S.W. 2nd and will include groundcover and assorted shrubbery, with two varieties of flowering pear trees and Eastern Redbud trees. As a power line runs along S. Ivy, staff investigated the placement of the Eastern Redbud trees and found that they do meet the recommendations outlined on PCJE's recommended tree list. The existing parking spaces are sufficient, in that 29 parking spaces will be required with the addition, and 32 spaces currently exist. Two ADA parking spaces will be re-stripped. Access will be provided through two currently existing gates, located in the north and northeast portions of the site, which provide both ingress and egress to the site. Although maneuvering room throughout the area varies, the clear aisle width meets the minimum required. The architecture will be compatible with the existing architecture and is intended to blend in with what currently exists. No additional signage is proposed. In response to the Request for Comments forms sent, service-providers have indicated there would be no problem in servicing the addition. Staff recommends approval with conditions.

### **Applicant**

**Scott Beck, 361 NE 3rd Avenue** explained that the original project was built in 1975. He reviewed the proposal, illustrating each portion of the expansion and addition. Mr.

Beck requested approval to return with a revised landscape plan to reevaluate some of the species of lower ground cover to ensure they are hardy and durable. Mr. Beck reviewed the relocation of the fence which is currently set back about 20 feet. The proposal includes relocating the fence to within 10 feet of S. Ivy and having a cascading effect east of the fence, with trees and landscaping. The proposal does not include moving the cable storage area, currently behind the fence on S. Ivy, into the warehouse. The applicant concurs with the staff report and conditions of approval.

### Proponents

**Richard Ares, Vice-President and General Manager, Canby Telephone** stated that he supports the recommendation for approval. As his office windows face S. Ivy's foot traffic, he reviewed his concerns regarding the landscaping along S. Ivy, and the "soft" plants that have been proposed as they may not withstand the bicycle traffic and the amount of foot traffic on S. Ivy. The proposal to submit a revised landscape plan will include plantings that will be able to withstand such heavy traffic and require less maintenance, he added. In addition, Mr. Ares explained that three or four vehicles that are currently in the existing "carport" area will remain outside with the rest of the vehicles, but the materials will be housed in the warehouse.

### Opponents

None

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

1. The Commission discussed the landscape plan. Mr. Ares explained he would prefer not to plant grass in the landscape area as it would create a park-like effect and would encourage children to loiter and congregate. The Commission agreed that staff would review a revised landscape plan for landscaping along S. Ivy Street, so as to meet the requirements for landscaping, keep the landscaping in good condition and, at the same time, attempt to resolve concerns about loitering that is currently occurring on the property along S. Ivy Street.
2. The Commission discussed the relocation of the existing fence along the west side of the property, and agreed that the applicant should include site obscuring features on that portion of the property due to the applicant's desire to maintain the storage of cable, that currently exists behind the fence.
3. The Commission discussed the materials that are housed in the open storage portion of the site. Mr. Beck explained that the open storage portion is somewhat underutilized and storage is somewhat sporadic, not very well organized. The plan, he stated, will be to consolidate the materials and put them inside the warehouse.

**Commissioner Gerber moved to approve DR 96-13 with the following conditions:**

**For the Building Permit Application:**

1. 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.
2. 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.
3. Eastern Redbud trees shall be planted along S. Ivy Street and shall meet the plant spacing/starting size standards of the ODOT and the Portland General Electric guidelines for landscape and tree planting.
4. The re-striping of the two (2) ADA stalls near the building's main entrance shall have an access aisle a minimum width of eight (8) feet.
5. A five (5) foot wide ADA walkway shall be located between the front ends of the proposed ADA parking spaces.

**During Construction:**

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

**Notes:**

7. Site obscuring features shall be maintained with the relocation of the existing fence along S. Ivy Street.

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

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**DR 96-14**, an application by Airtouch Cellular for Design Review approval to replace the existing monopole with two additional carriers. The site is located at the southeast corner of the Mini-Storage facility on the south side of Highway 99-E, east of S. Pine Street [Tax Lot 300 of Tax Map 3-1E-34C].

As everyone in the audience was in attendance when the public hearing format and procedures were reviewed and the applicable criteria on the wall referred to, Chairman Ewert refrained from repeating it. He asked if any Commissioner had ex-parte contact prior to the hearing, or conflict of interest. Other than visiting the site, but coming to no conclusions, none was indicated.

Mr. Wheeler presented the staff report. He explained that the applicant is proposing to replace the existing 130 foot cellular communications monopole tower with a 175 foot lattice structure tower, add two additional carriers, and additional cabinets to house equipment. The tower, he explained, will actually be 199 feet if the antennas are included. The additional height is necessary in order to house the 3 carriers because a certain amount of vertical separation is required between the antenna arrays. The applicant has requested approval to house up to 7 omni-directional antennas, 9 panel antennas, and two microwave dome type antennas on the new structure. There are, currently, a total of 4 cellular towers in Canby. The lattice tower will be placed immediately to the north of the existing tower. Once it is constructed, with the carriers installed and operational, the existing monopole tower will be removed. The installation of the lattice tower might require the elimination of some of the proposed mini-storage units in the planned expansion, which the owners are aware of. Any mini-storage landscaping that will be lost with the placement of the cellular tower will be replaced, and additional square footage of landscaping added. Comments were received from the ODOT Aeronautics Division stating that the cell tower, because of its proximity to an airport, and its height, should be lighted. Therefore, staff will be proposing an additional condition requiring lighting of the tower. Staff also recommends that the conditions of approval include the requirement for FAA permit approval to ensure adequate utility easements prior to the issuance of a building permit, and proof of proper notification of the latitude and longitude coordinates to Clackamas County Office of Emergency Management, ODOT, McMinnville Flight Service, and LifeFlight.

### **Applicant**

**Chris Tigh, 100 Kerr Parkway #16, Lake Oswego 97035** explained he is a construction/site acquisition/planning consultant contracted by AirTouch Cellular. Mr. Tigh explained that he concurred with the staff report and supported the recommended conditions of approval. There is a corporate-level division of AirTouch in Bellevue, Washington, that coordinates with the FAA, Mr. Tigh explained at the earliest identification of a site, to see whether or not the site requires FAA application and approval. In this particular instance, because the subject site is located over 4-1/2 statute miles from Aurora State Airport, and because the tower is less than 200 feet above ground level, it was determined that notice to the FAA and their permit is not required. It is an ODOT requirement that the tower be lighted, he explained.

**Christina Simon, AirTouch, Manager of Construction and Acquisition and Zoning, 15575 SW Sequia Parkway, Portland 97224** explained that AirTouch has been providing wireless services in the Portland area for more than a decade. Before a site is

selected, there is substantial site design criteria that must be met. Often, to co-locate on a particular site, AirTouch finds that there is not enough physical space for the equipment or the tower, or there isn't strong enough soils, or there isn't a sturdy-enough tower to accommodate more than one carrier. In this case, AirTouch contacted Western PCS and arranged to remove their tower and build one that could accommodate three carriers to significantly minimize the impact of three towers within a half mile radius of this site. Ms. Simon stated that the current tower would be removed immediately, once the new one is constructed. She assured the Commission that the old tower will, most likely, be removed within a 3 to 6 month period after construction, especially as Western is co-locating on the new AirTouch tower. Further, Ms. Simon assured the Commission that the acquisition and zoning staff communicate with the construction staff, explaining that she is the acquisition manager, works directly with the zoning consultants, and that the construction staff is also under her authority. Further, Ms. Simon explained that AirTouch is the emergency service provider for the City of Portland and the other smaller cities in this area. When AirTouch constructs towers, she added, they are built to withstand 90 mph winds. With regard to the comments received from ODOT regarding the marking and lighting of the tower, Ms. Simon explained that she contacted the FAA coordinator, who contacted ODOT directly. ODOT did, in fact, require that the tower be lit and marked. Clarifications of the ODOT requirements were: not to mark the tower, but strobe it by day, with a flashing light at night - or not to install the strobe but ensure the flashing light runs day and night, with the tower painted orange and white. Furthermore, she explained that although the FAA does not have such requirements, AirTouch must comply with ODOT requirements. Exhibits were submitted representing how AirTouch had expected to design the tower prior to finding out the tower had to be lit and marked and how it will look when it meets ODOT's advisory for being lit and marked, but not strobed. Ms. Simon stated that she would prefer to challenge ODOT and ask, since the tower is 4-1/2 miles away from the airport, and it is not required to be lit by the FAA, that they remove the condition for marking it and permit just a red flashing light. Ms. Simon urged the Commission to approve the application, adding that the benefits of this cellular facility outweighs any impacts it might cause.

### **Proponents**

**Mike Birndorf, 7535B NE Ambassador Place, Portland 97250** stated that he is representing Western PCS and is pleased to be part of this cooperative effort between carriers, which allows for fewer towers in the City and still promotes the necessary service. Mr. Birndorf stated that he supports the application.

**Scott Greenberg, 1700 Westlake Avenue N, #420, Seattle, WA 98109** stated that he is representing Nextel, and concurred with Mr. Birndorf's testimony.

### **Opponents**

**None**

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

1. The Commission discussed the lighting, asking staff whether a red-rotating beacon or a strobe would be required. Although not positive, staff believed it would be a red-rotating beacon. Commissioner Stewart explained that, from his previous discussions with the FAA, he believed that only red lights would be required, not a strobe or rotating beacon. ODOT, on the other hand, was concerned about the I-5 corridor and the Highway 99-E corridor, which is why they would like it lighted and marked.
2. The Commission questioned whether LifeFlight, the County Office of emergency Management, FAA, or McMinnville Flight Service. Staff stated that the FAA and ODOT have been notified and the applicant would be required to notify the other offices prior to issuance of a building permit.
3. The Commission discussed the issue of easements. Staff explained that the building permit would not be issued without written assurances from utility providers.
4. The Commission discussed the timing of the removal of the current tower, preferring that it be removed directly after the new tower is set up.
5. The Commission discussed the applicant's narrative with respect to landscaping requirements that will be satisfied on adjacent property, through agreement with the City. Mr. Wheeler explained that the applicant was going to provide a certain amount of landscaping in the immediate proximity of the expansion and on the side of the Logging Road after the expansion is completed.
6. The Commission discussed the painting of the tower. Mr. Tigh explained that it is more like banding. ODOT has specific shades that have to be matched, specifically orange and white. It would be painted like a smokestack in seven equal orange and white bands. The Commission agreed it would prefer that the tower not be banded/striped, but should have lighting on the top. Commissioner Stewart stated that without striping, a strobe light should be required.
7. The Commission discussed the proximity of the structure to local private airparks and the new fire department building. In addition, the Commission discussed the tower's proximity to the Logging Road, which is intended to be improved as a walk path/loop, a recreational draw for the City.
8. The Commission discussed the possibility of adding additional carriers to the tower. Ms. Simon explained that AirTouch has never co-located three carriers

before, which is why a significant foundation is being constructed. Three carriers, she added, would be the maximum load. The Commission agreed to limit the carriers that co-locate on the tower.

9. The Commission discussed the choice of this location for the tower. Ms. Simon explained that the topography of the site, it being a mini-storage site with nothing but railroad tracks adjacent to it, with excellent signal capabilities, minimizes the impact it has on the City, and meets all the criteria for locating a tower.
10. The Commission discussed adding a Sunset Clause in order to revisit this application in three years in the event technology changes so that the whip antennas or even the tower, itself, is no longer needed. Mr. Wheeler explained that this is a permitted use in this zone and there is no sunsetting on site layout approvals. Ms. Simon explained that it was a condition of the lease that if the tower is removed, the land would be restored to its natural state.
11. The Commission discussed proof of notification to various agencies and agreed it should have been submitted to those agencies earlier in order to have received feedback prior to considering this application.

**Commissioner Gerber moved to continue the hearing to November 25, 1996, for the applicant to bring a copy of the lease, and for feedback from LifeFlight and ODOT regarding the striping and lighting of the structure, and deleting proposed condition #3. Commissioner Hartwell seconded the motion and it carried unanimously.**

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**DR 96-15**, an application by Tom Scott for Design Review approval to construct a car wash/quick lube center on the northeast corner of Highway 99-E and S. Ivy Street [Tax Lot 6300 of Tax Map 3-1E-33DB].

As everyone in the audience was in attendance when the public hearing format and procedures were reviewed and the applicable criteria on the wall referred to, Chairman Ewert refrained from repeating it. He asked if any Commissioner had ex-parte contact prior to the hearing, or conflict of interest. Commissioner Gerber explained that he submitted a proposal to lease the property in question from Wayne Scott to construct a car wash on the site. Commissioner Gerber stated he would not participate in the hearing. Other than visiting the site, but coming to no conclusions, no other conflicts or ex-parte contact was indicated.

Mr. Wheeler presented the staff report. He explained that the applicant proposes to construct a 2-bay oil lube facility with a car wash on the northeast corner of S. Ivy and Highway 99-E. A previous application for a car wash/gas station at the same location

was denied by the Planning Commission. The denial was overturned by the City Council. The current proposal will reduce the impact of the developed site on Highway 99-E traffic. The proposed use is a permitted outright use in the C-2 zone and the most recent use of the site, other than a temporary retail nursery operation, was a Chevron gas station, which had no car wash, but had access onto S. Ivy and Highway 99-E. Access to the proposed development will be via a 30 foot wide single entrance from Highway 99-E, approximately 5 feet from the easternmost property line. Comments received from ODOT require that an access permit be obtained for the proposed access point, and that a 40-foot radius corner be constructed for the northeast corner of the intersection of S. Ivy/Highway 99-E, with sidewalks, approaches, and ramps meeting ADA standards. The construction of the radius corner would require signal and utility adjustments due to the relocation of the curb. Curbs and sidewalks would be required for both the property's frontage on S. Ivy and on Highway 99-E - 5 feet wide along S. Ivy and 8 feet wide along Highway 99-E. There was mention of the applicant proposing to include 595 square feet of a "walkway" as part of the landscaping. Eight parking spaces are proposed but staff estimates that 6 spaces would be sufficient as there would be no more than 5 employees present at any given time. The vacuum equipment should be located between the parking spaces, which would eliminate one of the spaces. Because a 2-story office facility is proposed, staff is recommending a note be added to the conditions of approval specifying and clarifying that the second story is not to be used independent of the car wash/oil lube intention of the site, so as not to create a potential traffic conflict on the site. The building will be constructed of red brick sides with a dark green metal roof, with the entrance to the car wash facing S. Ivy. The applicant is not proposing any pole or monument signs. Less signage is proposed for the site than is permitted. Two signs are being proposed: a 35 square foot sign for the car wash building, and a 32 square foot sign for the oil/lube facility. The square footage of both signs equal less than the total amount of signage that is permitted for this proposal. During the previous review for this site, the Planning Commission had concerns about pedestrian traffic crossing the railroad behind this site and conditioned the building of a fence along the northern property line, except where the building is located because the building would discourage pedestrian traffic from crossing the railroad at that portion of the site. Staff is proposing to add the same condition of approval to this application.

### **Applicant**

**Scott Beck, 361 NE 3rd Avenue** stated that the concept of the application is to provide an upscale car wash. The site was a bit of a challenge to design, due to its proximity to the intersection and the site size. The two uses, though compatible, have different traffic patterns and the proposed design appears to segregate the uses well. The traffic pattern designed for the car wash allows a lot of stacking activity, without blocking access to the site. The landscaping proposed for the front of the building is incorporated into the walkway, which will be exposed aggregate with pattern to it, which could be part of the total landscaping requirements. Staff proposed adding approximately 3 feet of landscaped area along the eastern property line and the applicant would not be adverse to planting a

buffer between the TNT store and the subject site along that property line. After researching other car wash designs, Mr. Beck explained that the vacuuming area does usually occur between and in front of parking stalls and the applicant would like to propose inserting two vacuum islands. In so doing, the proposed parking would be reduced to 7 spaces. Employees would be encouraged to park in the City parking lot, across Ivy, to the west. Regarding the signage, Mr. Beck referred to the portion of the Sign Ordinance that discusses sites that have 2 frontages being permitted a 60% increase, and asked if this project falls into that category. He further stated that although the applicant did not propose free-standing signage, he would like to now propose a free-standing, pole-mounted sign, set back about 10 feet from the face of the curb, which would meet the requirements for area, size, color, setbacks, etc. Regarding the conditioned restrictions on the office use, Mr. Beck explained that the second story office that is proposed would be used primarily for administrative functions for this facility, but that the owner does have interests in other businesses and would like to reserve the right to use the space for them, without bringing in additional employees and without leasing the space to any other party. The architecture of the building was designed, keeping in mind the fact that this is a fairly prominent location in Canby, Mr. Beck added.

**Wayne Scott, 1988 NE 19th Avenue** addressed the office space issue. He stated that he does not intend to run any other business from this location, but might have a desk in the office. He interprets the condition to mean that he would be restricted from even discussing any other business interests from the office on this site. Regarding the sign, Mr. Scott stated that the original plan called for a pole sign and he is requesting approval to submit the design of such sign at a later date. He explained that the building will be nearly hidden by the TNT building and the sign would give advance notice to traffic from the east, that the facility is open and operational. With regard to the right-of-way, Mr. Scott explained that this parcel would be the only property in Canby with 2 deeded accesses for highway purposes and is the only property along Highway 99-E with a deeded access to Highway 99-E. The ODOT 40-foot radius requirement for the northeast corner of S. Ivy/Highway 99-E has already been incorporated into the project design, he stated. Mr. Scott stated he was not requesting a continuance of this application due to the pole sign request and, if necessary, he would return before the Commission with the final pole-sign design.

### **Proponents**

**Brad Gerber, 1282 SE 11th Loop** stated that he is a part owner in an Oil Can Henry franchise and has knowledge as to the stacking conditions that occur in these types of businesses and that he did not expect much stacking on this site. He added that this property is a cornerstone of the community that needs to be developed, and that a car wash and quick lube are necessary services that could be located on this site. Mr. Gerber stated that transportation and traffic issues, under the current ordinances, are not criteria upon which to base a decision on this application. Regarding the landscaping issue, Mr. Gerber stated that, in his opinion, decorative rock or flagstone, or any other type of aggregate rock, is not considered landscaping material. Mr. Gerber encouraged the Commission to review the detailed pole-sign design before approving it.

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

1. The Commission discussed the 40 foot radius corner required by ODOT, for the northeast corner of Highway 99-E/S. Ivy. Mr. Wheeler explained that a larger radius means that the curvature is softer, so vehicles would not have to make as sharp a turn. Currently, the radius at that corner is 10 feet, which means it is very tight, almost a pointed corner.
2. The Commission discussed the walkway between the parking spaces and the building. The Commission agreed that it is not a **required** sidewalk and could be counted as part of a 5% decorative walkway that is permitted to be included in the landscaping requirements and, that with the additional landscaping on the eastern property line, the proposal meets the landscaping requirement.
4. The Commission discussed parking requirements and the fact that there was available parking in the public parking lot across Ivy, to the west, which employees could utilize. It was agreed that the proposed number of spaces was marginal. The Commission agreed that the area that will be used for vacuuming cars will not be counted to meet the off-street parking requirement. The Commission agreed that an additional 5 parking spaces will be needed to meet the requirements of Sections 16.10.030(D) and 16.10.030(G).
5. The Commission discussed whether ODOT would permit left turns upon existing the site. Mr. Wheeler said that no specific restrictions were received to the contrary within ODOT's comments. He pointed out, too, that the distance from the access to the intersection was approximately 160-170 feet. The Commission expressed concern with traffic back-up on Highway 99-E when a train was passing through, along with concern about cars making a left turn into the TNT store, just to the east of the subject site.
6. The Commission discussed the proposed condition limiting business operations from the office space. It was agreed that the condition was too restrictive in its current wording and should be restricted to wording which would not permit leasing out any of the office space.
7. The Commission discussed stacking conditions with regard to the lube/oil business on the site, and whether the site, the busiest intersection in Canby, could accommodate the waiting cars. The Commission discussed the possible bottleneck conditions that could occur on Highway 99-E due to stacking conditions.
8. The Commission discussed the proposed pole-sign. Mr. Wheeler explained that the final proposal and design would come back before the Commission as a limited land use application, for consideration.

9. The Commission discussed the previous application for this site. Commissioner Ewert explained that the City Council specifically overturned the Commission's denial because it was mainly based on access conditions and traffic issues, and because the criteria, at that time, did not lend itself to the Commission making decisions based on traffic patterns. Mr. Wheeler added that the previous application would have had greater impact on traffic conditions with relation to the access onto Highway 99-E, than this application has.

**Commissioner Keller moved to approve DR 96-15 with the amended conditions. Commissioner Dillon seconded the motion and it failed on a 3-3 vote. [Commissioners Keller, Dillon and Ewert voted aye; Commissioners O'Shea, Hartwell and Stewart voted nay, with Commissioner Gerber abstaining].**

The Commission discussed the previous application for this site in relation to the traffic bottlenecks and safety hazards that could be generated from this site due to the nature of the business and traffic intending to travel north on Highway 99-E, as well as traffic that is generated from other sites along Highway 99-E. In addition, the Commission compared parking and maneuvering on this site, with other sites along Highway 99-E, and the size of the proposal in relation to the size of the site. Chairman Ewert pointed out that the traffic issue does not fall within the Planning Commission's Design Review jurisdiction, although the safety issue does. The traffic issue will, he added, fall within the Planning Commission's jurisdiction with regard to Design Review applications, when the approved amendments take effect legally. He pointed out again, that the Planning Commission denied a previous application for this site on the traffic issue, that the denial was overturned by the City Council and that the Council gave the Commission direction not to base a denial on traffic issues. Furthermore, he pointed out that ODOT was not limiting access to the site by requiring a "right-turn-in" and "right-turn-out."

The Commission discussed other issues: 1) parking - could be controlled by having employees park in the public parking lot across Ivy, to the west, 2) congestion on the site itself due to the dual businesses that will be operating on the site but, which is permitted, 3) that the use proposed is permitted outright on the site, 4) that the applicant has two deeded accesses to the site and is giving one up, as no access can be taken from S. Ivy, 5) that the applicant would not oppose a joint access with the neighboring TNT market, which TNT will not agree to, 6) that Mr. Scott has testified that the "right-turn-only" restriction on his site on Highway 99-E/S. Elm has not proved effective, and 7) that Mr. Scott stated that if stacking becomes a problem, in order run a successful business, something would be modified, eliminated, or redesigned to adjust the situation.

**Commissioner Dillon moved to approve DR 96-15 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. A Data Disclosure Form shall be completed and submitted to the Wastewater Treatment Plant.
3. The additional right-of-way needed to include all of the street and curb for the 40-foot radius shall be dedicated to the City or State.
4. An additional five (5) parking spaces shall be provided in accordance with Sections 16.10.030(D) and (G).

**For the Building Permit Application:**

5. Access/driveway permits shall be obtained from the Oregon Department of Transportation (ODOT) for the access point. Separate permits from ODOT shall be obtained for any utility connections that occur within the right-of-way of Highway 99-E.
6. The curb return for the intersection of S. Ivy Street and Highway 99-E shall be constructed at a forty (40) foot radius. All utilities shall be relocated, if necessary, behind the sidewalk.
7. Curbs and sidewalks shall be constructed along the property's frontages of S. Ivy Street and Highway 99-E. The sidewalk shall be five (5) feet in width, including the curb, along S. Ivy Street, and shall be eight (8) feet in width, including the curb, along Highway 99-E. A sidewalk ramp meeting the American Disabilities Act (ADA) standards shall be constructed at the curb intersection of S. Ivy Street and Highway 99-E. All sidewalk and driveway construction shall comply with the American with Disabilities Act (ADA) requirements.
8. 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.
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.
10. Two (2) Raywood Ash trees shall be planted along S. Ivy Street, a minimum of thirty (30) feet apart. Six (6) Crimson Sentry Maple trees shall be planted along Highway 99-E, a minimum of twenty (20) feet apart. All street trees shall be planted at least two (2) feet behind the sidewalk, and all trees shall be at least 2" caliper trees when planted.

11. Wheel stops shall be provided for each of the parking spaces.
12. The total signage area is not to exceed eighty (80) square feet, for each use.

**Prior to Occupancy:**

13. A fence shall be constructed along the north property line, from twenty (20) feet east of the S. Ivy Street property line to the west end of the building, and from the east end of the building to the eastern property line.

**Notes:**

14. The office space is not permitted to be used for any business other than the car wash and oil lube businesses, without further review and approval by the Planning Commission.
15. Prior to the placement of any monument or pole signs that require a sign permit, approval from the Planning Commission shall be received. This condition shall expire twenty-four (24) months after the final occupancy of the building. The Planning Commission's review of the signage shall be in accordance with 16.49.040 and shall be conducted through a limited land use process.

**Commissioner Keller seconded the motion and it carried 3-2 with Commissioners Keller, Dillon and Ewert voting aye; Commissioners O'Shea and Stewart voting nay; and Commissioners Gerber and Hartwell abstaining.**

**VI. OLD BUSINESS**

None

**VII. DIRECTOR'S REPORT**

Mr. Wheeler explained that at the November 6, 1996 Council agreed to try to set up a joint workshop with the Planning Commission and some task force members to discuss the draft Access Management Plan and amendments to the Transportation System Plan. Although no date has been set, it appears the workshop might tentatively take place prior to the Council meeting on December 4, 1996.

Chairman Ewert stated that he spoke with Councilman Prince regarding industrial development and expansion of the industrial park to the other side of the Logging Road,

and the type of business that might be interested in locating there. Mr. Ewert further explained that this would be discussed at a workshop prior to the Council meeting on November 20, 1996 at 6:00 p.m., and that the Commissions were encouraged to attend.

Chairman Ewert explained that he ordered a plaque to present to Dr. Schrader, at the dinner on December 12th, in appreciation for his 15 years of dedicated service on the Planning Commission.

## VIII. ADJOURNMENT

The meeting was adjourned at 12:00 p.m.

Respectfully submitted,

Joyce A. Faltus