

MINUTES
CANBY PLANNING COMMISSION
Regular Meeting
January 27, 1997
7:30 P.M.

I. ROLL CALL

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

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

Others Present: Christopher Brand, Bob Kacalek, Joyce Jackson, Paul Bryant, Jim Zupancic, Dick Morse, Ray Burden, Irene Burden, Peggy Falkenstein, Shigeaki Fujimoto.

II. MINUTES

Commissioner Keller moved to approve the January 6, 1997 minutes, as submitted. **Commissioner Stewart** seconded the motion and it carried unanimously.

III. CITIZEN INPUT ON NON-AGENDA ITEMS

None

IV. FINDINGS

- **VAR 97-01 - Lucich** - **Commissioner Stewart** moved to approve the Final Order for VAR 97-01, as submitted. **Commissioner O'Shea** seconded the motion and it carried unanimously.
- **SUB 97-01 - Dan Anderson** - **Commissioner O'Shea** moved to approve the Final Order for SUB 97-01. **Commissioner Keller** seconded the motion and it carried unanimously.
- **ANN 97-01 - Shimadzu** - **Commissioner Keller** moved to approve the Final Order for ANN 97-01. **Commissioner Prince** seconded the motion and it carried unanimously.

V. COMMISSION DISCUSSION OF PLANNING ISSUES

The Commission discussed the timeframe for Planning Commission meetings. After a short discussion which included suggestions that 1) the Commissioners strive to keep the discussion zeroed in on the issues regarding the application at hand instead of going off on either unrelated issues or future application issues, and 2) Commissioners try not to repeat what other Commissioners have already stated but, instead, to concur with the previous comments, the Commission agreed to consider either starting the meetings at 7:00 p.m. (rather than 7:30 p.m.) or, as best possible, to adhere to the allotted time for Commission meetings, 7:30 - 10:30 p.m.

VI. PUBLIC HEARINGS

MLP 97-01, an application by Bill Guttormsen (applicant\owner) for approval to partition a 4.41 acre parcel into 2 parcels, approximately 2.2 acres each. The site is located east of S.E. Pine Street, north of S.E. Third Avenue [Tax Lot 302 of Tax Map 3-1E-34C].

Chairman Ewert reviewed the hearing process and procedures. He asked if any Commissioner had ex-parte contact or conflict of interest. Commissioner Keller explained that he spoke with the realtor who represents the property owner regarding the possible sale of one of the parcels and was advised that both parcels are already sold. He drew no conclusions about the application from the discussion. No one from the audience questioned Commissioner Keller regarding the discussion. The other Commissioners reported that they had visited the site but came to no conclusions. No one indicated any conflict of interest. Chairman Ewert then referred to the applicable criteria which was posted on the wall and on page 2 of the staff report.

Mr. Vasquez presented the staff report. He explained that the applicant is proposing to partition a parcel of property in the Logging Road Industrial Park area, approximately 4.4 acres, into two 2.2 acre parcels. The property was used as the owner's residential site until 1995. Since 1995, the residence has been vacant, and only used for storage of personal items. Upon development of the properties, the buildings will be demolished. If the application is approved, the purchaser of the northern parcel will develop it in conformance with the Commercial-Manufacturing zoning regulations, possibly as a warehouse/maintenance facility for the construction industry. Existing adjacent land uses include Canby Park East, the Anderson light industrial subdivision that was recently approved and Anderson's Canby Business Park, and the mini-storage. Comments received from ODOT suggest that access to both parcels be taken from S.E. 3rd Avenue by a shared access, as ODOT expressed concern with regard to fire safety issues and surrounding congestion that would result at S. Pine and S.E. 2nd Avenue should the northern parcel take access from S.E. 2nd Avenue. Comments from the Fire Department indicated they would have no problems servicing the northern parcel off S.E. 2nd, and would prefer to do so, rather than via a shared access. Staff was recently apprised that the

cul-de-sac on S.E. 2nd Avenue was a part of SUB 78-06, where the cul-de-sac was created as a temporary turnaround, as an easement for both the northern and southern property owners and, with the extension of S.E. 2nd, the property would be deeded back to the property owners. The present proposal does not include the extension of S.E. 2nd. In staff's opinion the access off S.E. 2nd can be handled through development of parcel #3, vacating the easement to adjacent property owners could occur, and providing adequate emergency access turnaround on-site. Staff recommends approval of MLP 97-01.

Applicant

Bob Kacalek, Realty World, 489 S.W. 1st, explained that there is more of a demand for the smaller parcels than there is for one large parcel, which is why the applicant has applied for a minor land partition. At the present time, there is a 12 foot existing egress easement that is serving the parcel, which was created in 1994 and goes with the sale of Parcel #3. Further, Mr. Kacalek explained two earnest money agreements that have been accepted, which depend on approval of the application before the Commission. One is planning to build a warehouse and yard storage facility for heavy equipment and trucks for a construction business and mail carrying business. An investor is interested in the southern parcel, with no end use in mind yet. Mr. Guttormsen has expressed concern that the City might propose a large cul-de-sac at the end of S.E. 2nd Avenue, especially in light of the fact that it appears S.E. 2nd will not be continued through to S. Redwood Street. Mr. Kacalek further explained that he spoke with Mr. Wheeler regarding the northern parcel, as the potential purchaser, realizing he could not encumber the egress easement that is part of the property, was very adamant about not having a large dedication of property for a cul-de-sac because it would take too much land away from his development plan. He added that if the dedication was conditioned, the potential developer would not be interested in purchasing the property. Mr. Kacalek stated that he believed it could be handled through the design review process, where they could utilize the already existing parking surface as a turnaround for both his own trucks and emergency service vehicles. In addition, if the cul-de-sac was dedicated, it would restrict the purchaser from gating the property for security purposes, although it could be addressed with a breakaway structure.

Proponents

None

Opponents

Richard Morse, Canby Builders Supply, 1934 Country Club Drive stated that he owns property adjacent to the subject site. Mr. Morse stated that he brought to the City Planner's attention that at the time of the original subdivision, he and another property owner agreed to put in a temporary turnaround for emergency vehicle access. At that time, the City agreed it was only temporary because S.E. 2nd Avenue was going to be

1. The Commission discussed the purpose of the present cul-de-sac. Mr. Wheeler explained that the purpose of the cul-de-sac was for emergency vehicle turnaround and at that time, it was assumed that S.E. 2nd would eventually continue on through Mr. Guttormsen's property. As S.E. 2nd evidently is not going to be extended, the purpose can still be carried out by providing a turnaround easement on Parcel #3 for emergency vehicles by having a paved surface area accessing a parking lot. This would permit the vacation of the turnaround portion of the existing cul-de-sac. Furthermore, Mr.

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

Bob Kacalek stated that the extension of S.E. 2nd Avenue serves no purpose because it would run into Dave Anderson's soon-to-be-developed parcels. Furthermore, Mr. Guttormsen's property was originally marketed as a single parcel and, had it been sold that way, the extension of S.E. 2nd Avenue would have been a moot issue. Safety issues would be addressed with a turnaround on Parcel #3 for emergency services, especially as a turnaround already exists, and will remain, on the Patterson's parcels just south of Mr. Morse's. Therefore he did not see any problems associated with the land set aside for the turnaround easement reverting back to Mr. Morse.

Rebuttal

extended as part of the industrial area development plans. Mr. Guttormsen had been contacted at that time, regarding the extension of the cul-de-sac into his property but, as he had no plans for changing its use at that time, he refused to permit the intrusion of the cul-de-sac into his property. Mr. Morse explained that he is concerned about the future of S.E. 2nd Avenue only because there is ongoing discussion between Canby Builders and the Cutforth family about relocating Canby Builders to the Cutforth property, just north of his parcels on S.E. 2nd Avenue, off Highway 99-E and S. Pine Street. His concerns center around traffic congestion in the area, especially truck traffic, should his business relocate there, Mr. Morse added. Further, Mr. Morse stated that he was recently advised that neither Mr. Guttormsen nor the potential purchaser of Mr. Guttormsen's parcel #3 would consider extending the cul-de-sac or extending S.E. 2nd Avenue through the site. Mr. Morse also expressed concern that the City might require the construction of sidewalks along S.E. 2nd Avenue. In his opinion, Mr. Morse stated that he believed S.E. 2nd Avenue should be extended because it would prove to be a good alternative means of truck traffic entering and exiting the area. In the event S.E. 2nd Avenue is not extended as a through street, the Commission should require a non-gated cul-de-sac if the subject parcels are developed, as it was planned as such in 1977 at the end of the developed properties along S.E. 2nd Avenue. Whichever way the Commission decides, Mr. Morse stated that he believed he should be relieved of the burden of maintaining the temporary cul-de-sac on his parcels, which was put there, in good faith, 20 years ago. Furthermore, Mr. Morse stated that his property would become more valuable with the extension of S.E. 2nd Avenue, especially as opposed to a gated turnaround.

Wheeler explained that the cul-de-sac is not a right-of-way cul-de-sac. There is a 60 foot right-of-way straight through from east to west. The semi-circular part of the cul-de-sac is provided by an easement, with the idea that it would be vacated when S.E. 2nd was continued.

2. The Commission discussed the continuation of S.E. 2nd Avenue. Mr. Wheeler explained that by continuing S.E. 2nd Avenue, it would provide a bypass of what is supposed to be the main route: Redwood, S.E. 3rd Avenue, Pine Street, to the light at Highway 99-E.
3. The Commission discussed the potential road layouts in the Industrial Attraction Plan. Mr. Wheeler explained that a highway connection was planned where the Mini-Storage Facility is currently located, which was then changed to the S. Pine/S.E. 3rd Avenue/S. Redwood connections for access through this industrial area. The Commission noted that this application identifies street design and circulation planning issues that should be studied further, and addressed in relation to the Transportation System Plan and other relevant land use plans for the industrial park area so as to provide assistance to the planning staff and Planning Commission in reviewing future land use development applications.
4. The Commission discussed the increased traffic conditions that would occur if S.E. 2nd Avenue was continued. Staff explained that ODOT is concerned that the integrity of the traffic signal at the intersection of Highway 99-E/S. Pine would be threatened by the potential increased congestion caused by development of this property. Additionally, that traffic on S.E. 2nd would lead back into Pine as would traffic on S.E. 3rd, creating further congestion. The Commission agreed that the development of Parcel 3 will create additional vehicle traffic congestion on S.E. 2nd Avenue. In order to provide adequate street and circulation access for the area, a cul-de-sac should be extended off of S.E. 2nd Avenue as a deeded right-of-way providing for a 50' cul-de-sac located within the perimeters of Parcel 3.
5. The Commission agreed that since a new 50' cul-de-sac on S.E. 2nd Avenue will be constructed, the existing 60' temporary road turnaround easement that is presently on Mr. Morse's property and on Tax Lot 407 should be vacated in accordance with the conditions as stipulated on the recorded final plat for Canby Park East industrial subdivision (SUB 78-06).
6. The Commission discussed the site to the east of the subject parcels. Mr. Wheeler explained that the Anderson Canby Business Park lies to the east, which is a small tenant-based industrial/commercial area, with access onto S.E. 3rd Avenue and Redwood. At the north end, is a 1-acre flag lot that access onto S.E. 3rd Avenue. If S.E. 2nd Avenue was extended, those properties could gain access from it. Mr. Anderson's subdivision, he explained, was already approved with access onto S.E. 3rd Avenue and does not need access from S.E. 2nd.

The Commission recalled discussing the possibility of extending S.E. 2nd to the flag lot of Mr. Anderson's subdivision, as a better solution than the flag lot approach from S.E. 3rd Avenue. Mr. Wheeler agreed it was discussed as an alternative solution, but that at the time of final order, it was agreed the flag lot would take access from S.E. 3rd Avenue.

7. The Commission discussed the new location of the Fire Station on S. E. Pine, and agreed that additional heavy truck traffic turning onto S.E. Pine from S.E. 2nd would become additional cause for concern regarding safety issues.

8. The Commission discussed holding this application over for more information from staff. Mr. Wheeler reviewed the 120-day requirements and explained that unless the applicant approved an extension for the continuance, the City would be in jeopardy of running out of time. Mr. Kacalek explained that the applicant stated he would not divide the property if the cul-de-sac was required because he did not want to dedicate that much property. The prospective purchaser of Parcel #3 indicated he would not be in favor of a cul-de-sac, but he would probably permit a turnaround that addresses safety issues.

Based on the findings and conclusions contained in the staff report dated January 17, 1997, on testimony at the hearing, and on Commission deliberations, Commissioner Keller moved to approve MLP 97-01 with staff's conditions and to add a condition that the existing cul-de-sac be eliminated and the property decided back to the property owners, and that either the applicant or the purchaser of parcel #3 provide an emergency turnaround on that parcel. Commissioner O'Shea seconded the motion. Mr. Wheeler explained that eliminating the existing cul-de-sac would be a recommendation to Council for vacation, because it would entail vacating an existing easement. The Commission concurred.

A discussion ensued where the Commission discussed how the lack of a thru-street would affect the future of the industrial park.

Upon a voice vote, the motion failed 5-2. Commissioners Hartwell, Prince, Ewert, Stewart and Dillon voted nay.

Commissioner Prince moved to approve MLP 97-01 with the following conditions:

For the Final Plat

1. A final partition plat modified to illustrate the conditions of approval, shall be submitted to the City Planner for review and approval. The final partition plat shall reference this land use application -- City of Canby, Planning Department, File No. MLP 97-01.

2. The final partition plat shall be a surveyed plat map meeting all of the specifications required by the Clackamas County Surveyor. Said partition map shall be recorded with the Clackamas County Surveyor and Clackamas County Clerk, and a copy of the recorded map shall be provided to the Canby Planning Department.
3. A new deed and legal description for the new parcels shall be prepared and recorded with the Clackamas County Clerk. A copy of the new deeds shall be provided to the Canby Planning Department.
4. All monumentation and recording fees shall be borne by the applicant.
5. Permanent utility construction and maintenance easements including, but not limited to, electric and water cables, pipeline conduits and poles shall be provided as follows:
 - 6 feet in width along all lot lines, except,
 - 12 feet in width along the dedicated S.E. 3rd Avenue and S.E. 2nd Avenue
6. Parcel 3 shall provide a deeded right-of-way for a 50' radius cul-de-sac located within the perimeters of the parcel.

Notes:

7. The existing 60' temporary turnaround easement presently on S.E. 2nd Avenue will be vacated.
8. The final plat must be recorded with Clackamas County within one (1) year of the approval of the preliminary plat approval in accordance to Section 16.60.060. The mylar for the final plat must be signed by the City prior to the recording of the plat.

Commissioner Dillon seconded the motion and it carried 4-3, with Commissioners Ewert, Keller, and O'Shea voting nay.

DR 97-01, an application by Shimadzu Scientific Instruments, Inc. for Site and Design Review approval to construct a 54,000 square foot manufacturing facility, which includes 10,000 square feet of office space and support areas, in Phase 2 of the Logging Road Industrial Park. The property is located east of the Logging Road, north of S.E. 4th Avenue [Tax Lots 700, 790 and 1700 of Tax Map 3-1E-34]. Shimadzu U.S.A. Manufacturing, Inc. [applicant] and Ray L. and Irene E. Burden [owners] for approval to annex 58.47 acres into the City of Canby. Fifteen (15) acres will be reserved as the Logging Road Industrial Park, Phase 2, in the southwest corner of the site. This phase of the Logging Road Industrial Park will be accessed from S.E. 4th Avenue. The balance of 43.47 acres will remain in nursery production. The property is located east of the Logging Road, north of S.E. 4th Avenue [Tax Lots 700, 790, and 1700 of Tax Map 3-1E-34].

As everyone in the audience had been present when Chairman Ewert reviewed the hearing process and procedures, he did not reiterate them. He asked if any Commissioner had ex-parte contact or conflict of interest. Commissioner Stewart related that he had two brief conversations with legislative staff regarding the application, but did not discuss his views on the application, nor did he draw any conclusions regarding the application. No one from the audience had any questions for Commissioner Stewart. Commissioner O'Shea explained that, aside from visiting the site, he has been contacted by people seeking information about the application. He delved nothing about the deliberations of the Planning Commission or his own opinion. There were no questions from the audience. Other Commissioners who also visited the site reported no decisions were reached. No conflict of interest was expressed by any Commissioner. Chairman Ewert referred to the applicable criteria posted on the wall and on page 2 of the staff report. He also referred to two letters received from Steve Miller on behalf of the Canby School District and the Chamber of Commerce supporting and enthusiastically endorsing the application that are now part of the record.

Mr. Wheeler presented the staff report. He explained that the applicant is requesting approval to construct a 54,000 square foot building, which will include 10,000 square feet of office space and 44,000 square feet for manufacturing purposes. This proposal will be the first phase of development. Phase 2 will add another building of equal size, to the west, attached to this building. There will be approximately 210,000 square feet of developed area, of which 31% (31,500 square feet) will be in landscaping. Eighty-four parking spaces are required, and 100 parking spaces are proposed, which includes 4 required ADA parking spaces. Two loading berths are required, and the applicant is proposing three loading berths which all meet the industrial size dimensions. S.E. 4th Avenues is going to be extended to the east, to this site, over the Logging Road and the Molalla Rail Spur, bringing with it, the required utilities. It will be bridged over the railroad, so there will actually be a slope to the road coming back down, and then it will be at grade prior to the western access drive on this site. Two access drives off S.E. 4th Avenue will be extended to serve the site, which are 34 feet wide on the access themselves. The main truck access drive will be on the eastern side, leading to the loading berths and a drive-in loading access area on the north side of the building. There is a 30 foot wide interior access drive to the parking areas. Pedestrian access is proposed from the public right-of-way sidewalk along the western entrance to the main entrance of the building and to the employee entrance on the east side of the building. Staff recommends that a second pedestrian access be provided to the sidewalk along the eastern side of the building because the road will eventually connect to further industrial development to the north and east. Mr. Wheeler then referred to the color renderings and samples that were submitted, describing the material and colors [tan with red accenting] that the applicant proposes for the building. The low-sloped rolled roof, he explained, will be of similar tan color. The temporary western wall of the building will be metal-sided, and will be removed when the applicant is prepared to expand the building. A monument sign is proposed for the western entrance to the site, but no dimensions, materials, or color were submitted for review.

A traffic study was conducted for the site to measure traffic impact from this site on four different intersections: S.E. 4th/S. Redwood Street, S. Redwood Street/S. Township Road, S. Township Road/S. Ivy Street, and Highway 99-E/S. Pine Street. The levels of service indicate existing approvals for development in this area, as well as adjustments for a 10% per year increase in volume of traffic to accommodate currently approved projects as well as projects that will be approved in the future. All the intersections had a level of service "C" or better, which indicate no problems exist with the intersections regarding traffic that might be generated from this site.

Mr. Wheeler then referred to the Design Review Compatibility Matrix, explaining that this was the first application that would be critiqued according to the new matrix rating system, so he would review it thoroughly in order to familiarize the Commission with the technique for review. The application was reviewed only considering five of the six main areas [excluding the sign criteria, which does not apply at this time and will require further review at a later date]. Mr. Wheeler explained that the application received a total of 23 points out of a possible total of 32 points, grading it at 71.9%. In order to be considered compatible, the application is required to meet 65% of a total possible 32 points. With regard to the parking lot landscaping, Mr. Wheeler explained that parking lot insets and intrusions are provided along the southern parking lot and islands and intrusions along the eastern parking lot which breaks up the parking lot expanse. Although the applicant has not provided an exact plan that indicates parking lot lighting, provisions are indicated for lighting the parking lots and it was rated 1 out of a possible 1. Location of parking lots was an area where staff and the applicant differed in rating. Although parking is provided along the side of the building, staff determined that since parking is also provided in front, between the building and the street, the applicant scored zero out of 2 points. Staff interprets parking in the rear to merit 2 points, parking on the side to merit 1 point, and assigns zero points when parking is located in front of the building. The applicant is providing 119% of the total number of required parking spaces. Mr. Wheeler explained the criteria: that zero points are assigned if the applicant provides more than 120%, and 1 point if the applicant provides between 100-120% of the minimum possible spaces, and the full 2 points if the exact number of required parking spaces are provided. The applicant was graded the full percentage of points for the parking compatibility issue, except for the "Pedestrian access from parking lot to building" portion, which earned the applicant 1 out of a possible 2 points, because with the walkways located in front of the building, someone using the southeastern and eastern portions of the parking areas will have to negotiate a length of the access drive or cross access drives twice in an attempt to reach the walkway leading to the building. Mr. Wheeler explained that under the "Pedestrian access from public sidewalk to public building" portion of the traffic area, although the two entrances are connected to the public sidewalk, staff is recommending a second public sidewalk point of access on the eastern portion of the site. However, staff graded this portion 2 out of a possible 2 points because the two access are connected. With regard to the Tree Retention portion of the Compatibility Matrix, the applicant stated that there are only 2 trees on the site. However, after visiting the site, Mr. Wheeler explained that there is a nursery tree operation currently on the site, so it is not certain how many trees

are on the actual site, although it appears there are 8 very large trees on site, larger than would normally be part of nursery stock operations. Therefore, an arborist's report would be required and one was not submitted. However, if the Commission finds an arborist's report is not required, this criteria would not be applicable. Regarding the "Building Appearance" portion of the matrix, staff did not deduct any points for the red western metal wall as it is considered to be a temporary wall that will connect Phase 1 to Phase 2 of the building. Regarding the number of non-required trees, Mr. Wheeler explained that there are 29 non-required trees proposed as part of the landscaping plan. Twenty-nine trees equates to one tree per 2,250 square feet of landscaping. To earn the point, the applicant should propose one tree for every 500 square feet of landscaping. Staff is recommending different street trees along S.E. 4th Avenue. The applicant has proposed Pin Oaks, which are not on the City's recommended street tree list. Pin Oaks retain leaves long into the winter, Mr. Wheeler explained, which indicates that they are not solar-friendly. Although it is not necessarily pertinent to this application, based on comments received from the Fire Marshal, a Hazardous Materials Management Plan is required. In the future, staff will be requiring this plan for all industrial, and possibly commercial, applications under the Site and Design Review process, to identify what hazardous materials might be on-site, and how they would be disposed of. Further, he explained that this requirement is more tenant-oriented, to inform the Fire Marshal, in the event of an emergency, of any hazardous materials a tenant might bring to the site. As far as on-site disposal of these materials, applicants would have to work out a plan with the Wastewater Treatment Plant supervisor.

Mr. Wheeler referred to the comments from the Police Department, which recommends that a window be provided for the employee lunchroom, which would provide visibility to the eastern parking lot, thereby providing better security for the parking area. Mr. Wheeler made a point of explaining that the Commissioners should feel free to weigh the application on each Commissioner's own interpretations of how the application meets the criteria.

Applicant

Jim Zupancic, 1300 SW 5th, Portland 97201. Mr. Zupancic presented a short video, which described Shimadzu's operations. The applicant has no additional comments to make with regard to the transportation study, he explained, but reaffirmed that there is no appreciable impact, from a traffic standpoint, from the proposed application, and no additional infrastructure is required.

Shigeaki Fujimoto, 1300 S.W. 5th Portland 97201 greeted the Commission and explained that Shimadzu Corporation is a 120 year old company whose philosophy is dedicated toward using scientific technology to make the environment better for all mankind. In the Canby site, equipment will be manufactured that will measure or monitor the amount of pollution in drinking water. He explained that last year, the mother company decided to enhance their manufacturing availability in the United States

and investigated various sites, emphasizing Oregon due to its strategic geographical location near the Pacific Ocean and Japan. After investigating various places in Oregon and finding them too congested, Shimadzu decided to seek a smaller community in which to grow. Canby has been found to be an ideal community to grow in, especially because of its proximity to the airport. The warm welcome Shimadzu has received from Canby is very gratifying, he added, and they are very pleased to become part of this community.

David Welch, President of CIDA Architects, 5200 S.W. MacAdam, Suite 420, Portland 97201 presented the site plan, and discussed the configuration of the site. The overall site, he explained, is 15 acres in size. When the applicant began working on the project with the civil engineers who are designing S.E. 4th Avenue, they used those designs for a basis to establish the required acreage configuration. The initial development is proposed for the eastern portion of the property to take advantage of the ramp off the bridge, that goes down into the trucking area. He then described the future growth pattern of the building itself. The long term design was set with an understanding of truck maneuvering and setback requirements and being able to, at some future date, add additional trucking capability so that, as the company grows and their need for interior functions change, linear production system could remain in tact, rather than evolving into a U-production system. The site was actually designed prior to obtaining certain grading information regarding S.E. 4th Avenue and some changes to the design of the building access are requested. The initial proposal was submitted because the initial grades indicated that the applicant could not make the transition and still meet A.D.A. requirements. The applicant would like to modify the original proposal to include a pedestrian walkway that leads from the sidewalk on S.E. 4th straight up to the front of the building, which would provide a much stronger entry and, at the same time, address some of staff's concerns in that area. Mr. Welch explained that the office support functions and employee areas are in the front of the building, with the production/assembly and shipping/receiving areas in the back, and that the noise level rises from the front to the back. Further, Mr. Welch explained that the temporary metal wall will not be red, rather, it will be the base color, a light tan, which will blend in well with the building. The red was the result of a computer operator error. The applicant would be agreeable to meeting the Police Department's request for a window in the lunchroom.

Regarding the wheel stops issue, Mr. Welch requested a variance from the wheel stop requirement along the landscaped areas, explaining that the applicant has found, from previous developments, that a tremendous amount of mud - a combination of dirt build-up mixed with water - and trash, builds up between the curb that separates the landscaped areas from the paved areas and the wheel stops. Those areas become an on-site maintenance issue as they are very difficult and time-consuming to keep clean. The applicant is requesting permission to allow the front of the parked cars to overlap the two-foot edge of the landscaped area, using the actual curb section as a wheel stop. The applicant further proposes a wider sidewalk to compensate for the car overhang. Wheel stops would be provided elsewhere where vehicles might come in conflict with pedestrians, other vehicles, or traffic.

2. The Commission discussed the site distance from the west entrance on the subject site to the overpass. Mr. Wheeler explained that the overpass was approximately 300 feet from the west entrance and that the length of downgrade on the bridge was about 250 feet, and 13-14 feet above grade at the top of bridge. When asked if he considered it to be designed for safe ingress/egress, Mr. Wheeler replied that he considered it safe.

1. The Commission discussed traffic on S. Township, especially regarding the backup of vehicles waiting to turn left to travel south on S. Ivy Street. The Commission discussed the lack of room for large tractor trailers to maneuver such a turn at all. Further, the Commission discussed the poor site distance vision due to shrubbery on the corner of S. Ivy/S. Township. Mr. Wheeler advised the Commission that the shrubbery issue was not pertinent to this application.

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

None

Opposition

Ray Burden, 23230 S. Highway 99-E stated that the Scarlet Oak is a deep rooted tree that was voted as the #1 shade tree in the nation and has one of the best survival rates.

Peggy Falkenstein, 7616 SE Harmony Road, Milwaukie 97222 stated that she is representing the Harmony Center at Clackamas Community College. Ms. Falkenstein explained that the college supports the application and is looking forward to the opportunity to work with Shimadzu on any training needs that they may have. Her department, Customized Training and Development Services, that provides training and education to business and industry throughout the area.

Proponents

Joyce Jackson, CIDA Architects, 5200 SW MacAdam Avenue, Suite 420, Portland 97201 stated that the applicant had no problems with replacing the street trees on the plan with one from the City's official tree list. Further, she explained that the back ridge line conforms with the agricultural use that is currently existing on the site, which will not interfere with the proposed use. In addition, Ms. Jackson reviewed the landscape plan that was submitted, stating that it was functional and safe, and that the elements would enhance the site. The employee parking areas and the visitor parking areas will be clearly delineated, defined, and separated by the landscaping, she added.

In response to a question from the Commission, Mr. Wheeler explained that there would be an 8 foot pedestrian tunnel under the access over the Logging Road, with lights in it.

3. The Commission discussed the comments received from the Police Department regarding the installation of a window in the employee lunch room, and agreed that even though maintenance of shrubbery at the correct height will provide safe parking lot conditions, the addition of a window in the employee lunch room, overlooking the eastern, employee parking lot, is appropriate for safety and security reasons.
4. The Commission discussed the Compatibility Matrix, questioning why no credit was given for the parking, since there was parking provided on the side of the building. Mr. Wheeler explained that a parking area in front of a building is the least desirable location as it detracts from the site. He agreed that there are various way to interpret this issue, pointing out it is only a guideline for giving applicants direction and that he welcomed Commission input. The Commission suggested changing this portion of the matrix to a 3-point system. The Planning Commission agreed, too, that the "compatibility matrix" score for the location of the parking lot should be revised to 0.5 instead of 0, since there is parking both along the side and in the front.
5. The Commission discussed street and sidewalk construction, questioning whether a street and sidewalk would be constructed from S. Redwood Street to the eastern portion of site. Mr. Wheeler stated that streets and sidewalks would be constructed on both sides. He added that the applicant is also participating in the S.E. 4th Avenue public improvement project.
6. The Commission questioned whether S. Township Road, in its present condition, could handle the additional large truck and trailer traffic. Mr. Wheeler explained that there was no response to the request for comments from Clackamas County.
7. The Commission questioned whether the large stand of tall fir trees on the southwest corner of the lot would be retained. Mr. Wheeler explained that he did not believe that stand of firs are actually on the subject site.
8. The Planning Commission discussed traffic routing. It was agreed that the applicant should impose restrictions regarding employee and delivery truck traffic, routing it away from Township Road due to the poor condition of Township Road and the difficulty of maneuvering for trucks heading southbound on S. Ivy.
9. The Planning Commission discussed having the applicant select street trees from the approved Street Tree List. It was agreed that Scarlet Oaks would be suitable street trees. The Scarlet Oaks which have been grown on-site would be suitable for use as street trees. The Commission also discussed their concern with the trees at the truck entrance, questioning whether they might be too large to allow easy access.

1. This Site and Design Approval is subject to approval of the annexation (ANN 97-01) and lot line adjustment (LLA 97-01) applications associated with this proposal.
2. A preconstruction conference shall be held prior to the issuance of the building permit. The conference shall be coordinated through the Planning Office.
3. The Data Disclosure Form shall be completed and submitted to the City's Sewer Department prior to the issuance of a building permit.

Prior to the issuance of the Building Permit:

Based on the findings and conclusions contained in the staff report dated January 17, 1997, on testimony at the hearing, and on Commission deliberations, Commissioner Prince moved to approve DR 97-11 with the following conditions:

13. The Planning Commission discussed the parking lot lighting. It was agreed that the parking lot lights should be hooded to direct light downwards and away from the adjacent Logging Road which is designated as a walking/ bike path.
10. The Planning Commission discussed the overall "compatibility matrix" score for the application. The Commission agreed that the score, 23.5 points, meets the minimum acceptable criteria.
11. The Planning Commission discussed the applicant's proposal to provide a pedestrian connection from S.E. 4th Avenue to the main entrance, directly in front of the entrance instead of east of the main entrance, is appropriate and suitable, as it permits ADA access.
12. The Commission discussed the applicant's request for a variance for the required wheel stops. It was agreed that eliminating the wheel stops for the parking spaces located along the perimeter of the parking lots is appropriate. Further, the Commission agreed that the wheel stops in these locations do create a maintenance difficulty and result in the accumulation of dirt and debris between the curb and wheel stops.
13. The Planning Commission agreed that if the wheel stops are eliminated along the perimeter of the parking lots, the walkways located along the parking spaces should be six (6) feet wide to accommodate pedestrian use of the walkway and a 2-foot vehicle overhang. The Planning Commission agreed that the shrub planting proposed along the southern parking spaces should be located two (2) feet further south, and a ground cover planted between the shrubs and the parking spaces in order to protect the shrubbery from damage by vehicles that overhang the curb at the end of the parking space.

For the Building Permit Application:

4. 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.
5. 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.
6. The street trees along S.E. 4th Avenue shall be scarlet oaks.
7. Pedestrian access from the main entrance shall be provided to the public sidewalk directly in front of the main entrance (due south).
8. No wheel stops are required. The walkways adjacent to parking spaces shall be six (6) feet wide. The shrubs adjacent to the southern parking spaces shall be located two (2) feet further south and ground cover shall be planted between the parking lot and the shrubs.
9. A window shall be added to the east facing wall of the employee's lunchroom.
10. The lights for the parking lot shall be "hooded", to keep the light directed downward.

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.

Prior to Occupancy:

13. A Hazardous Materials Management Plan, in accordance with the Uniform Fire Code, Section 8001.3.2, Appendix 11-E, shall be filed with the Canby District Fire Marshall.

Chairman Ewert referred to the memorandum regarding the joint workshop session with City Council regarding amendments to the Transportation Systems Plan and adoption of the Highway 99-E Access Management Plan, which is scheduled for Wednesday evening, January 29, 1997 at 7:00 p.m. in the Library Community Room. He urged all the Commissioners to attend. Mr. Wheeler advised the Commission that the City is considering extending N. Ivy to Territorial as an arterial, and making N. Holly Street a collector street instead of an arterial street. Also, the City is considering adding the

VIII. DIRECTOR'S REPORT

Mr. Wheeler referred to a letter from Dan Anderson regarding INT 96-01, concurring with staff's interpretation regarding the setback criteria. He referred to a letter from Rob Pettit thanking the Commission for granting his conditional use permit for Champion Gymnastic Center. The Commission discussed VAR 96-01 [Jones' Carriage House]. The Commission agreed it was their intention that the building be brought up to Code and inspected accordingly.

VII. OLD BUSINESS

Commissioner Stewart seconded the motion and it carried unanimously.

16. Prior to the placement of any signage that requires 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.

Notes:

- 14. Signage shall be provided on-site that directs truck traffic to Pine Street and Highway 99-E.
- 15. The applicant shall provide an affidavit promising that Shimadzu will inform all their employees and trucking companies regularly servicing their business on S.E. 4th Avenue, that access to their business shall be taken from the S. Pine Street and Highway 99-E direction, rather than S. Redwood Street and S.E. Township Road. All through-traffic on S.E. Township Road is to be avoided. A copy of their written notice shall be provided to the City Planner.

Territorial/Highway 99-E traffic signal to the list of SDC-funded projects and moving up the timeline for installation. The introduction of the Access Management portion of the workshop is mostly informational, to review what has been drafted so far and to discuss further amendments, in order to complete the Transportation Systems Plan.

Mr. Wheeler brought the Commission up to date on the status of the Broetje noncompliance issue regarding Code violations.

Regarding SUB 96-02 [North Maple Street] Mr. Wheeler explained that there is some discrepancy as to the time limitations for continuations and if the City does not have jurisdiction in time for the hearing on February 5th, it will have to be removed from the Council agenda.

Mr. Wheeler clarified his previous discussion with Dick Morse which was related during the Guttormsen minor land partition hearing earlier. He had explained to Mr. Morse that any City Council or Planning Commission action of 20 years ago, does not bind current City Council and Planning Commission actions. Therefore, S.E. 2nd Avenue is not required to be extended, even though that might have been the intention of the Council/Commission 20 years ago. The wording on the plat stated that the easements would be vacated at the time S.E. 2nd was extended, as opposed to wording that states S.E. 2nd will be extended. Mr. Morse had been advised that the City could recommend vacating the easements regardless of the outcome of the minor land partition hearing. The Commission requested that, in the future, staff offer more information and clarification regarding any options that might exist in a case like this, regarding the continuation of S.E. 2nd, or of conversations that have taken place that might affect the outcome of the public hearing.

IX. ADJOURNMENT

The meeting was adjourned at 10:55 p.m.

Respectfully submitted,



Joyce A. Faltus