

MINUTES
CANBY PLANNING COMMISSION
Regular Meeting
May 12, 1997
7:30 P.M.

I. ROLL CALL

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

Staff: James Wheeler, Planning Director, and Joyce Faltus, Secretary

Others Present: Brett Pulver, Ken Sandblast, Heidi Henry, Harry Lee Kwai, Garrett Nelson, John Stout, John Rogers

II. MINUTES

Commissioner **Prince** moved to approve the April 28, 1997 minutes, as submitted. Commissioner **Keller** seconded the motion and it carried unanimously.

III. CITIZEN INPUT ON NON-AGENDA ITEMS

Brett Pulver, 390 S.W. 6th Avenue came before the Commission requesting approval to remove a Scarlet Oak tree which, when the property was partitioned, was part of a condition of approval requiring that the tree be retained. Mr. Pulver explained that the tree is 2 feet in diameter and is situated proximately 9 feet from his front door. Due to the age and condition of the tree, Mr. Pulver explained that he fears the tree could fall on his house. He explained that he would replace it with another tree, if approval was granted to remove it. He further explained that the tree is situated between the telephone wires and his home and that the Canby Utility Board considers it a problem tree.

Mr. Wheeler stated that the tree is not directly under the power lines, but it is situated closer to the house. Regarding the conditions of approval of the minor land partition, Mr. Wheeler explained that a street tree was planted east of the subject oak tree, which is small, and not hazardous. Normally, Mr. Wheeler explained, a homeowner would not have to come before the Commission for approval to remove a tree on private property, and that Mr. Pulver was only coming before the Commission for approval due to the condition mandating that the tree be retained.

A somewhat lengthy discussion included the following issues:

1. Whether or not the tree could be pruned in order that it no longer poses a threat to the home.
2. Whether an arborist should investigate the situation to see if the tree could be pruned to mitigate the threat to the home.
3. Whether the tree should be removed, and what would be planted to replace it in the event it was removed.
4. Whether Mr. Pulver should take pictures and submit them to the Commission.

The Commission agreed to drive past the property to see the tree in question, which is situated on the SW 6th side of the property which is located on the northeast corner of the intersection of S.W. 6th Avenue/S. Fir. Mr. Pulver would also submit a letter from a tree expert advising whether to remove the tree or properly prune it to mitigate the potential danger to the home. Once Mr. Wheeler and Chairman Ewert gathered feedback from the Commission and reviewed the report from the tree expert, a decision would be made. In the event the tree was to be removed, a smaller tree, one that would not grow up into the power lines, would be planted. Mr. Wheeler explained that time is of the essence and encouraged the Commissioners to act quickly, as the Canby Utility Board has trimmer crews out now, who would top the tree so it would not endanger the power lines, prior to Mr. Pulver's removing it, if approval was granted.

IV. COMMISSION DISCUSSION OF PLANNING ISSUES

Harry Lee Kwai, 794 N. Holly addressed the Commission with regard to the Canby Business Revitalization Group, which is a committee of concerned citizens who organized to help transform the historical sense of Canby's past to a present sense of community. Mr. Lee Kwai further explained that this is a very dedicated group who, at the same time, also has fun doing what they are doing. Further, Mr. Lee Kwai explained that there has been two other efforts in this direction during the last 25 years, which ebbed as time went by because they got caught up more in what they could not do, than with what they could do and accomplish. This latest effort, which is about 2 years old, is a result of Canby-By-Design and the visioning process. The Canby Business Revitalization Group, Mr. Lee Kwai explained, is a Committee of the Chamber of Commerce. The vision of the group, he explained, is to encourage the commercial district to maintain its small town feel and keep it inviting and comfortable, and try to encourage businesses to respond to the needs of the residents so that they will make fewer shopping trips outside of the area. The

mission of the group is to encourage revitalization and to support the business district to be self-sustaining as a commercial center and social center for Canby businesses, residents and visitors.

Mr. Lee Kwai and Heidi Henry (325 Ash Street, Silverton 97381) presented renderings of the vision for the downtown revitalization which, Mr. Lee Kwai pointed out, is very pedestrian-friendly. He explained that the parking lot behind Grahams Books and Gifts, and the Southern Pacific Railroad parking lot could both be used as gathering places on weekends, somewhat similar to the Saturday market, with booths. Other visions included a pedestrian overpass over Highway 99-E, street furnishings like a clock tower, fountains, benches, expanded greenery with curbside pots, pedestrian improvements like flagstones and brickwork, raised walkways, creating vertical windows to break up lengths of business frontages, smaller awnings to break up the lengths of awnings, old fashioned street lights, bringing in regional arts and culture groups, etc. The model the group has been using is the National Main Street Center's four point approach, which has been the most successful revitalization program in the United States. It includes:

1. Organization - to build consensus between businesses - a partnership to promote more visibility.
2. Economic Restructuring - to improve the business district's market shares. Ms. Henry pointed out that the first step in this direction was taken during May, with the Growers Market booths in the Southern Pacific Railroad parking lot which would have a good impact on local businesses. Feedback has been received from many local businesspeople that business increased greatly while the Growers Market was in progress.
3. Promotion - examples of promotional ideas could be advertising in newspapers, encourage traveling exhibits at new business locations each week, to form partnerships with groups like Livable Oregon, Kiwanis, FFA, etc.
4. Design - to improve the function and look and appearance of the business district and encourage educational opportunities for community members about City and street design.

Ms. Henry thanked people for attending the Growers Market. She stated that a better mix of businesses in Canby would encourage people to shop locally. Ms. Henry encouraged the Commission to promote the idea of Canby Business Revitalization to all, in order for people to support and create the framework for the economic development of downtown Canby. With regard to parking and the use of parking lots for weekend

markets, Ms. Henry stated that because our culture is auto-oriented, the group would work closely with urban designers to take into consideration both people and auto traffic. With the Arneson property planned for development by a group anchored by Albertson's, Mr. Henry pointed out that it is ever more important to support our local downtown merchants in order for them to survive.

Commissioner Keller pointed out that it is important to remember that the downtown area includes businesses on the south side of Highway 99-E. In response to his statement that signage is important, Ms. Henry explained that artists and designers would help promote effective signage. Mr. Lee Kwai explained that the group is working to define to Economic Improvement Boundary District on both sides of Highway 99-E.

Mr. Wheeler addressed proposed Land Development and Planning Ordinance amendments that staff submitted for Commission review. He pointed out that Canby's ordinance should be tied into the 120-day ORS requirements. After the Commission has reviewed staff's proposals, he suggested that the Council and Commission hold a workshop to review the proposals. Further, Mr. Wheeler pointed out the importance of incorporating certain Comprehensive Plan standards into the Ordinance. Discussion was held regarding the fact that the current Legislature might expand the 120-day requirements to 150-day requirements, and about reviewing the West Linn Ordinance approach to the 120-day ORS requirements. An important part of meeting the 120-day requirements relies on when the time actually starts, whether it is when the application is deemed **complete** or when it was submitted. Discussion was held whether to increase the notification area to 300 feet rather than only notifying adjacent owners within 150 feet of the subject site. Discussion was also held regarding such nuisances as nude dancing establishments and the possibility of limiting liquor licenses to such establishments, making them less profitable and, therefore, less likely to succeed in Canby. Chairman Ewert also pointed out the importance of having application materials submitted in a more legible manner, to facilitate reading the materials, and the importance of not narrowing street widths.

The Commission discussed holding a special meeting to discuss proposals for ordinance amendments, with a date to be set at the June 9th meeting.

V. FINDINGS

CUP 97-02 - Canby School District - with regard to additional structural inspections for the three modular classrooms at Knight Elementary School, the Commission referred to the May 1, 1997 memo from Bob Godon, the Building Official, which explained that all

three modular classrooms at the Knight School campus were issued building permits for their foundations, which were installed to meet the building code requirements. In terms of the building code, they are considered to be permanent and do not require further inspection, the memo explains.

Mr. Wheeler explained that, according to the Building Code Division, there is no such thing as "temporary" foundations, and that the foundation had to be safe and sturdy enough to place the modulars on the site.

The Commission agreed that modulars are not the answer to school district capacity problems, but that if they are approved, they must be earthquake safe.

Based on the information from Mr. Godon, and on Commission discussions, **Commissioner Stewart moved to approve the final order for CVP 97-02. Commissioner Keller seconded the motion and it carried 5-1, with Chairman Ewert voting nay.**

VI. PUBLIC HEARINGS

MLP 97-03, an application by John Stout for approval to partition a .48 acre parcel into two parcels, approximately 9,210 square feet and 9,450 square feet, respectively. An existing single family home on Lot 1 of the partition will be retained. The site is located on the east side of N. Maple Street, between N.E. 10th and N.E. 14th Avenues and is identified as 1202 N. Maple Street [Tax Lot 2100 of Tax Map 3-1E-33AA].

Chairman Ewert explained the hearing process and procedures and referred to the applicable criteria posted on the wall and listed on page 2 of the May 2, 1997 staff report. He asked if any Commissioner had ex-parte contact. Commissioner Keller explained that, while visiting the site, a neighbor, Leland Engle, approached him, and they discussed trees on the site. No one from the audience had any questions of Commissioner Keller. No other ex-parte contact was disclosed. Except for visiting the site, but coming to no conclusions regarding the application before them, there was no conflicts of interest disclosed.

Mr. Wheeler presented the staff report. He explained that the subject site is in the middle of a cul-de-sac at the south entrance to Maple Street Park. The subject property and surrounding properties are zoned R-1, Low Density Residential. The properties to the north and west are designated Low Density Residential in the Comprehensive Plan and properties to the east and south are designated Public. Partitioning the property will create one additional single family lot and permit more in-fill development.

As the property is almost a half acre, the lots resulting from the partition would each be larger than 9,000 square feet. The 114 foot long, 20 foot wide access drive for the flag lot must be located on the north side of the site, because the placement of the existing home would not permit location of the access drive on the south side of the site. Locating it on the north side would require the removal of four mature trees if it was 20 feet wide from the street and, if tapered to 12 feet thereafter, would enable the applicant to save one large fir tree, which would be trimmed. Staff is of the opinion that the construction around the fir tree might have an adverse impact on the root structure of the fir tree that the applicant is proposing to retain. Narrowing the access drive, as proposed by the applicant, would meet the Fire Department's safety requirements, which specify a minimum emergency drive window clearance of a 12 foot width and 13 foot height. Mr. Wheeler explained. Requiring a sidewalk along N. Maple Street, along the frontage of Lot #1, would also require the removal of 3 additional mature trees. The applicant has requested that he not be required to construct a sidewalk and retain the three trees instead. Staff has been contacted by a neighbor who is concerned about the removal of the trees and possible resultant instability to the root structure of the remaining trees. To mitigate the loss of mature trees, the applicant intends to retain as many trees as possible and to replace any trees scheduled for removal with new trees, as recommended by the Planning Commission. Because N. Maple Street is designated as a collector street in the Transportation System Plan, the applicant must dedicate 5 feet of frontage on N. Maple to provide for the collector right-of-way. The subject site already has existing curb along the frontage of N. Maple and a grass panel exists between the edge of the curb and the property line. The Planning Commission has consistently made it a practice to require sidewalks for any new development where none are existing. Utility easements will be required along N. Maple Street and along common property lines, staff added.

Applicant

Ken Sandblast, Compass Engineering, 6564 S.E. Lake Road, Milwaukie 97222 stated that due to the location of the existing home on Lot #1, there would not be enough room to construct the access drive on the south side of the subject parcel. He further explained that the applicant would like to retain the fir tree on the southernmost portion of the proposed access drive. Furthermore, if the sidewalk is required, it would result in the removal of three additional trees. The applicant has agreed to replant 3" caliper trees to replace any trees that are removed, but pointed out that there are already about 5 - 8 trees on Lot #2.

Proponents

None

Opponents

None

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

1. Due to the heavy use of Maple Street by pedestrians, especially in light of the many sports events that take place at Maple Street Park, sidewalks along N. Maple should be constructed and trees planted behind the sidewalk.
2. The Commission discussed the tapering access drive and agreed that tapering the driveway from 20 feet to 12 feet would only save one tree, and that construction might impact the root structure of the tree proposed to be saved. Therefore, the Commission agreed that the access drive was to be constructed 20 feet for the entire length.
3. The Commission discussed the importance of having house numbers visible from the street for emergency purposes.
4. The Commission discussed the timing of the construction of the sidewalk and agreed that it should be constructed with the signing of the plat or have it bonded with the stipulation that it be constructed within 6 months. The Commission agreed that tying the sidewalk construction in with the occupancy of Lot 2 might result in the dangerous situation of having holes along N. Maple where three trees would be removed for sidewalk construction.
5. The Commission discussed the number of trees to be removed. The Commission agreed that with all the trees that will remain on the subject site, the applicant could replace 5 of the 8 trees removed with 3" caliper trees.

Based on the findings and conclusions contained in the staff report dated May 2, 1997, on testimony at the hearing, and on Commission deliberations, **Commissioner Stewart** moved to approve **MLP 97-03** 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 97-03.
2. The final partition plat shall be a surveyed plat map meeting all of the specifications required by the Clackamas County Surveyor. The final partition plat shall identify the newly created parcels as Lot 1 and Lot 2, as depicted on the on site plan. 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, and sidewalks shall be provided as follows:
 - 6 feet in width along all common lot lines,
 - 10 feet in width along all exterior lot lines, except
 - 12 feet in width along street frontages and along access drive
6. A five foot right-of-way dedication along the frontage of Lots 1 and Lot 2 on N. Maple Street shall be provided.

Prior to Construction

7. A sidewalk, five (5) feet in width, shall be constructed along the full N. Maple Street frontage of both Lots 1 and 2.
8. The construction plans shall include the access drive, storm water, sewer, water, electric, telephone, gas, street lights, and mail boxes.

Prior to Occupancy of Lot 2

9. An access strip 20 feet in width shall be hard surfaced and be constructed from N. Maple Street along the northern property line 114' to the main body of Lot 2.
10. An emergency vehicle turnaround shall also be provided on Lot 2 that is acceptable to the fire district.

Notes

11. The two large fir trees, one Maple tree, one Plum tree and one Fir tree at the northwest portion of the property will be removed to provide for an access strip drive.
12. Placement of the sidewalk on N. Maple will require the removal of the two large fir trees along the street frontage.
13. The apple tree in the middle of Lot 2 will be removed to allow for a new single family home.
14. Five (5) 3" caliper trees will be planted as replacement for the eight (8) removed trees. Trees selected for planting will be approved by Planning Department.
15. 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.
16. To facilitate emergency service response, house numbers will be visible from the street. House numbers shall not be painted yellow on the sidewalk.

Commissioner Prince seconded the motion and it carried unanimously.

DR 96-05/SN 97-01, an application by JV Northwest, Inc. for approval to provide signage for its 46,875 square foot manufacturing building, storage yard, and associated parking area. The request for approval is in fulfillment of the conditions of approval with land use application DR 96-05/CUP 96-01. The site is located on the northeast corner of S. Redwood Street and S.E. 4th Avenue [Tax Lot 1803 of Tax Map 3-1E-34C].

As everyone in attendance had been present when Chairman Ewert reviewed the hearing process and procedures, it was not necessary to reiterate. He then referred to the applicable criteria posted on the wall and on page 2 of the May 2, 1997 staff report. Chairman Ewert asked if any Commissioner had ex-parte contact or conflict of interest with respect to the application and none was indicated.

Mr. Wheeler presented the staff report, explaining that when the original application was reviewed, since no sign was included in the review, if the applicant proposed any signage within a two year period, it would come back before the Commission.

The applicant is now proposing four signs, specifically designed to be compatible with the colors and materials of the building, to convey a high quality state-of-the-art manufacturing facility. The proposed signage includes:

1. A 175 square foot wall mounted sign, located on the northwest portion of the north wall of the building. The sign will be made of off white grade foam which will match the color of the building's skylight material, and will be located 6 feet from the top of the 55 foot tall building. Such placement will be easily viewed from the north and northwest to incoming customer traffic from S.E. 3rd Avenue and S Redwood Street. It will be lit by controlled surface mounted down lighting to spotlight the lettering and painted to match the accent color of the building's siding.
2. A 120 square foot wall mounted sign similar in design, color, and materials to the aforementioned sign, but smaller in scale. It will be located on the northwest portion of the west facing wall of the building, easily visible to traffic approaching from the west and southwest. It will have similar lighting to the aforementioned sign #1.
3. Two monument signs, one located in the southwest corner of the property at the intersection of S.E. 4th/S. Redwood, and along S.E. 4th in the eastern portion of the landscape strip of the eastern parking lot area. Both monument signs will include the company's name and address, and directional information for delivery and shipping traffic. The signs are double sided, 5 foot x 6 foot, and constructed of aluminum and acrylic material, with concrete pad bases. The signs will be a deep reddish brown to compliment the building accent door color, with push-through acrylic, and white lettering. Neither of the monument signs will be lit, but will be constructed of reflective white vinyl material that will be clearly illuminated by vehicle headlights.

Although 960 square feet of signage is permitted because the subject site has frontage on both S.E. 4th Avenue and S. Redwood, the applicant is proposing 415 square feet of signage. A review of the signage portion of the compatibility matrix indicates that the

proposed application receives 5 out of a total of 6 points. The minimum percentage required to be considered "compatible" is 65%, and this application has received an 83.3% compatibility rating.

A representative for the applicant requested that the Commission approve moving the monument sign located along S.E. 4th in the eastern portion of the landscape strip of the eastern parking lot area to the west of that entrance. Due to there being no formal testimony offered, the public portion of the hearing was closed for Commission deliberation.

Chairman Ewert explained that a condition of approval for DR 96-05/CUP 96-01, in July 1997, included the following condition:

13. The applicant shall provide an affidavit promising that JVNW will inform all their employees and trucking companies regularly servicing their business at S.E. 4th Avenue and S. Redwood Street, 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.

The Commission discussed either including such wording directing traffic from Township on the monument signs, or by having the applicant place independent signs at the exit areas of the site. The Commission discussed requesting the Canby Traffic Committee to install such directional signage or "No Truck Traffic" signage, rather than conditioning JV Northwest to install such signage.

Based on the findings and conclusions contained in the staff report dated May 2, 1997, and on Commission deliberation, Commissioner Stewart moved to approve DR 96-05/SN 97-05, as amended to move the monument sign located along S.E. 4th in the eastern portion of the landscape strip of the eastern parking lot area to the west of that entrance with the following conditions:

1. Prior to the placement of any signage that requires a sign permit, all signs shall meet the development standards for vision clearance for the M-1 zone.

Commissioner Prince seconded the motion and it carried 5-1, with Chairman Ewert voting nay because the motion to approve did not include consistency with the original condition of approval # 13 of DR 96-05/CUP 96-01.

VII. NEW BUSINESS

None

VIII. OLD BUSINESS

None

IX. DIRECTOR'S REPORT

Mr. Wheeler reported that the Budget Committee approved an amended budget, which has now been passed on to the City Council. It included retaining the Community Services secretary position, the assistant planner position and, as an add back, the code enforcer position.

Mr. Wheeler reported that after discussing voter-approved annexations with the City Council, it appears that they are in favor of such a process. Further, he explained that the City Council requested an update on June 4, 1997 regarding the Senate Bill prohibiting local municipalities from enforcing charter amendments requiring voter-approved annexations. Further, Mr. Wheeler explained that municipalities that lie within a local boundary commission should consider such charter amendments because it would result in all the annexations being handled by the boundary commission. Another bill will eliminate the METRO Local Boundary Commission. If this bill passes, Canby could still consider the charter amendment, as Canby is not within the METRO boundaries.

Regarding yard debris recycling, Mr. Wheeler explained that the proposal is for picking up such debris curbside, and taking it to the final destination, not to the transfer station. The City Council is considering a resolution to ensure this. Furthermore, the Fire Department is planning to enforce a "No Burning" rule within the City limits as there is too much potential for problems.

Mr. Wheeler informed the Commission that he is expecting another annexation application for the Faist property, which is Priority "C" land for annexations, and further noted that applications for annexation of this property have been rejected twice. The site is just south of the Trost Elementary School, between SE 13th and the Trost school.

With regard to selection of a new Planning Commissioner, the Mayor has elected not to include the liaison to the Planning Commission, Councilor Gerber, or Commissioner Prince. Chairman Ewert reported that he spoke with the Mayor to ensure that Commissioner Prince will sit in on the selection process.

FINDINGS

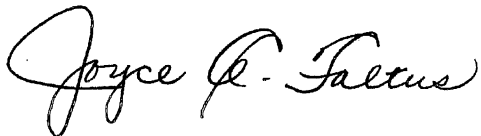
JV Northwest - DR 96-05/SN 97-05

Commissioner Keller had already left the premises when the Commission reviewed the final order to JV Northwest. Commissioner O'Shea moved to approve the final order to DR 96-05/SN 97-05. Commissioner Stewart seconded the motion and it carried unanimously, 5-0.

IX. ADJOURNMENT

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

Respectfully submitted,

A handwritten signature in cursive script that reads "Joyce A. Faltus". The signature is written in dark ink and is positioned above the printed name.

Joyce A. Faltus