

MINUTES

CANBY PLANNING COMMISSION

Regular Meeting
November 10, 1997
7:30 pm

I. ROLL CALL

Present: Chairman Dan Ewert, Vice Chair Keith Stewart, Commissioners Jean Tallman, Vern Keller, Terry Prince, Mark O'Shea

Staff: Jim Wheeler, Jason Kruckeberg

Others Present: Dan Stoller, Cindy and Garry Faist, Tom Kendall, Daniel Kearns, Barry Staerwn, Betty Faist, Tom Scott, Wayne Scott, Duke Dickinson, George Wilhelm, Kenny B. Guisinger, Jim Morse

II. MINUTES

Minutes deferred to next meeting.

III. CITIZEN INPUT ON NON-AGENDA ITEMS

None.

IV. COMMISSION DISCUSSION OF PLANNING ISSUES

No discussion.

V. FINDINGS

DR 97-06 Stein Oil (BP Gas Station remodel and expansion)

Commissioner Stewart moved to approve the Final Order for DR 97-06, recommending approval, to City Council, as submitted. Commissioner Tallman seconded the motion and it carried unanimously, with one abstaining.

VAR 97-05 Stein Oil (BP Gas Station canopy setback)

Commissioner Stewart moved to approve the Final Order for VAR 97-05, recommending approval as submitted. Commissioner Keller seconded the motion and it carried unanimously, with one abstaining.

VI. PUBLIC HEARINGS

ANN 97-06, an application by Oregon Development, Inc. (applicant) and Larry and Betty Faist (owners) for approval to annex 39.32 acres into the City of Canby. The property is located north of N.E. 13th Avenue and east of Valley Farms subdivision (Tax Lot 2000 of Tax Map 4-1E-3).

Chairman Ewert reviewed the hearing process, procedures and format. He referred to the applicable criteria posted on the wall and on page 2 of the staff report and other criteria in the comprehensive plan or land use regulations. Mr. Ewert asked if any Commissioner had a conflict of interest or ex-parte contact. No conflict of interest or ex-parte contact was indicated. No one from the audience had any questions of the Commission.

Mr. Kruckeberg presented the staff report. The application is to consider to annex 39.32 acres into the city. The property, he explained, is located on the north side of SW 13th, south of Trost School, east of Valley Farms subdivision, and west is some exclusive farm use land. The Urban Growth Boundary runs along 13th so land to the south is outside of the UGB. It is tax lot 2000 of Tax Map 4-1E-3. Comprehensive Plan land use designation is R-1, Low Density Residential. The property is designated Priority "C" for annexation. Staff believes the applicant has not proven findings #1, #2 or #4 regards to the appropriateness, no special benefit was identified in any narrative provided, and in terms of timing, Staff stated Canby has a substantial amount of Priority "A" and "B" land which hasn't been annexed. Mr. Kruckeberg stated applicant has proven compliance with finding #3. Staff determined the city has enough buildable land for 3 years, 0 months, excluding H.O.P.E. Village; 4 years, 0 months including H.O.P. E. Village.

Mr. Kruckeberg stated the buildout rate has been adjusted since the last meeting, previously using annual building permits issued over all of the 1990's; it's been reduced to the last five years to give a more realistic picture of the way building is going in Canby.

The proposed annexation of 39.32 acres at Low Density Residential levels could

bring in 165 new lots, adding an additional 10 months supply of buildable land (excluding H.O.P.E Village). Staff doesn't believe adding the land will create an over abundance of land within the city limits, but given the growth priority phase-in concept, there is enough land within the city limits to not need to begin annexing Priority "C" land at this point. In terms of agriculture retention, it is Staff opinion there are other reasonable alternatives for growth given the amount of land within the city limits and also Priority "A" and "B" land which are already in the UGB at this point.

Regarding public facility services & utilities, all facility providers were sent Request for Comments forms and no noted inadequacies or problems were reported.

Staff concluded the application is inconsistent with the Comprehensive Plan and does not meet the phase growth concept in Priority "C", that the Comprehensive Plan encourages agricultural retention of property of this size and characteristics, and that an adequate amount of land is within the city limits for growth and development. Staff recommends denial. There were no questions for staff at this time.

Applicant

Daniel Kearns, 111 SW 5th Ave, Suite 3200, Portland, OR 97204, attorney representing applicants. He indicated the land was first proposed for annexation in 1993, but withdrawn, and again in 1994. At that time, the Commission felt it was not appropriate timing and farm issues were raised, thus being the grounds for denial. He stated what wasn't shown was where the property is within the context of the city: below Trost School and Valley Farms in the SE corner of the city. He stated Applicant proposes to bring in appx. 40 acres: 90 lots on 20 acres, and to keep remaining 20 acres with the farm house. The Faists have owned this property for 36 years, are now 63 years old and saw it was increasingly difficult to farm this property.

Mr. Kearns pointed out that the Priority A concept is not always practical. Other properties that have been annexed into the city, other than Priority A land (Willow Creek, Vine Meadows, Trost School, Shimadzu), creates a "patchwork" of annexation which makes farming difficult. He indicated the size of this property does not make it viable farm property. Mr. Kearns also indicated that unlike Willow Creek which was far from other development when approved, sewer and water lines in Valley Farms are already right at the property line. Mr. Kearns stated it didn't make sense that there was no intervening "B" land between Priority "A" Valley Farms and this property as Priority "C" and that this should be the next land to be annexed. He stated the special benefit to the city

was financial in the recovery of SDC charges. He encouraged approval as now was the best time to annex; the services are there, next step to annexing and development, and its days have passed as a viable farm unit. He stated development plans would in the very near future.

Commissioner Stewart questioned Mr. Kearns as to the 90 lots on the 20 acres and was it the intent to modify the application to only 20 acres. Mr. Kearns indicated no because he understood they were unable to annex only 20 acres. Commissioner Stewart asked if he submitted Exhibit 3 in the staff report that covers site description and Mr. Kearns indicated yes. Commissioner Stewart questioned the 4th sentence: "The development of this parcel could provide safe and useful recreational opportunities for the school and surrounding community such as bike paths, walking trails and park". Commissioner Stewart needed clarification as to whether he was suggesting that part of the 40 acres could be dedicated to a park. Mr. Kearns stated he could not say for sure. Staff indicated the parks master plan calls for a park in that vicinity, somewhere in the northern end of the property, and that park dedication would generally be in lieu of park SDC fees.

Commissioner Stewart also questioned the Shimadzu land being "C" land. Staff explained some was Priority "B" and "C", and 5 or 6 acres were non residential, industrial land.

Proponents

None

Opponents

None

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

1. Staff clarified Willow Creek subdivision area was annexed in 1988, approved for development in 1990; no other history. Vine Meadows, annexed in 1996, special benefit stated was traffic signal at Hwy 99E & Territorial. Trost School was the special benefit as Priority "C" for its annexation.
2. Commissioner Prince disputed statement that farm land was not possible within the city limits, mentioning the IFA property in NW Canby. He also stated that he felt the commission was following the "A", "B", "C" plan very closely, and the city did have at least a 3 year supply of land.

3. Commissioner O'Shea questioned what the recent vote on voter approved annexation does to this body and are we affected/governed by it yet. Staff indicated any annexations committed prior to the vote goes according to the rules in effect at that time. It was not in effect at the time of application and is not applicable. Commissioner O'Shea also questioned if it was possible to defer this to a vote. Staff indicated it might be a possibility if City Council deems it meets the criteria for approval and the Applicant volunteers to defer it to an election. Mr. Kearns stated they'd be amenable to that. Commissioner Prince commented it's his interpretation that under the voter approved annexation the commission and City Council would go through the regular procedures to approve or deny the process. Chairman Ewert agreed. He commented the vote here tonight would be a recommendation to the City Council, and approved or denied, it would automatically go to the City Council. At that point, if applicant wanted to volunteer to have it go to a vote of the people.
4. Commissioner Tallman asked if all other Priority "A" land backs up to Priority "C" or whether all Priority "A" back up to Priority "B". Staff indicated there are additional properties: south of 13th, south of Tofte Farms, a 38 acre piece was Priority "A", and south of that line was Priority "C". Commissioner Stewart also explained there are areas in town that are R-2, with R-1 right across the street.

Commissioner Stewart moved to deny the application for annexation on **ANN 97-06**. Commissioner Prince seconded the motion. Motion carried 5-1.

SUB 97-08, an application by Willow Creek Estates for approval to subdivide 9.71 acres into 40 single family lots. The property is located on the west side of N. Redwood Street and north of Highway 99E (Tax lots 1100, 1200, 1300, and 1301 of Tax Map 3-1E-34B).

Chairman Ewert asked the audience if all were present when the public hearing format was read. Everyone was present. Mr. Ewert asked if any Commissioner had a conflict of interest or ex-parte contact. Commissioner Keller declared a potential conflict as a licensed real estate agent in the State of Oregon who could potentially profit from buying and selling property in this subdivision, and he intends to participate. There were no objections from the audience or other commissioners. Commissioner Tallman and Chairman Ewert visited the site, but made no conclusions or contact. No other ex-parte contact or conflict of interest was indicated.

Mr. Kruckeberg presented the staff report. The property, located on the west side of N. Redwood St., north of Hwy 99E, south of NW Territorial & east is

the Logging Road. The Comprehensive Plan designation is R-1, Low Density Residential. Subject property is currently used for single family residences. Property to the west across the Logging Road is in the city and zoned R-1. Properties to the south and east are rural residential properties, not in the city but within the UGB. Property to the north is approved for annexation and subdivision at R-1 density. Proposed single family lots in this development are compatible with the existing developments and the proposed development in the area. Lands that are zoned R-1 which have been subdivided since 1988 have been developed at a density of 5.4 lots per acre on average. This development is proposed at 4.8 lots per acre but does include one large lot of 38,378 sq. feet. If removed from the calculation, it would average out to 5.4 lots per acre. Staff indicated there is a swale that runs through property, will be filled and graded along with development. Storm water drainage would be handled through the proposed line to the north, and a new city storm water line is farther up, crosses the logging road to Redwood, north to wetlands. Adjacent subdivision conditions no building permits issued until subdivision is connected with the new city storm water line, as is the case with this subdivision as well.

Staff stated street improvement of 28 ft will be required for N. Redwood along entire frontage of subject property and applicant will also be responsible for widening N. Redwood to 28 ft., either north to the improved portion of Redwood or south to the railroad crossing.

Request for Comments forms went to utility providers, and a couple issues were raised. CUB required 12" water main be extended down N. Redwood through to the south end of the benefited property. Also 8" water lines throughout the interior of the subdivision. Canby Telephone requires easement for cable access be provided across the Logging Road and this should be handled through side lot easements. Clackamas Co. Traffic Analyst recommended denial because no traffic study had been done. However, a traffic study was completed showing that the existing road network could accommodate additional traffic. No new signals will be warranted. The applicant is required to provide a 10' pedestrian pathway from the subdivision to the Logging Road, location up to the applicant to decide, but recommended by Staff between lot 9-10 or lot 14-15.

Solar access requirements were discussed and line recommendations were made. All interior streets, lots, sidewalks will be constructed to city standards.

Staff concluded the subdivision meets all requirements with the listed conditions and recommends approval.

Commissioner O'Shea commented the blue print shows the name of "Erica Loop". Staff stated they have suggested street names since east-west street

must be numbered.

Chairman Ewert asked about the issue of tree plantings. Staff indicated they are looking into a resolution and how and when it would best be accomplished.

Staff clarified location of the existing house is to remain on lot 40, and the three buildings to be removed are on lots 22 and 24. It was noted that a line along lot 40 was not considered a flag lot, but a right of way dedication, and lot 25 is a flag lot.

Commissioner Prince asked if sidewalks were all along Redwood and along subject property lot 40. Staff indicated they would be located on all interior streets.

Applicant

George Wilhelm, Wilhelm Engineering, PO Box 561, Woodburn, OR 97071, representing applicant, Willow Creek Estates. This is a request for preliminary approval of Erica Acres, a 40 lot residential subdivision. Includes tax lots 1100, 1200, 1300, and 1301 of tax map 3-1E-34B. This is appx. 9.7 acres located south of Territorial Rd, north of 99E, and just west of Redwood St. Property is appx. 660 ft north-south by 630 ft east-west. The recently approved preliminary plat for riverside homes is located just north. Mr. Wilhelm stated the reviewed staff report adequately addresses all the pertinent criteria, but requested a modification to condition #5, requiring solar building ordinances for building lines. He pointed out the applicant submitted design which complies with planning ordinances, but restrict access to Redwood and eliminates cul-de-sacs. Mr. Wilhelm requested a 5% adjustment to solar design standards in accordance with 16.95.05a1c to eliminate need for solar building lines on lots 33 and 34. This section indicates adjustment may be appropriate to comply with the flexible road standards. Condition #5 also requires solar building lines on lots 25 & 26 because of the definition of the front plat line and the flag lot causes the front line to be oriented north-south rather than east-west. It's believed lots 25 and 26 meet the intent of the ordinance by providing 90' in a north-south direction and allows the south line to be considered the front lot line using a reasonable interpretation. Mr. Wilhelm mentioned a discussion with staff regarding lots 35, 36, & 39 and had understood all agreed those three lots met the basic requirements. Mr. Wilhelm felt the staff report adequately addresses all the pertinent criteria. In summary, applicant asked the Commission consider revising condition #5 by eliminating the solar building lines on lots 25, 26, 33 and 34. He felt Erica Acres meets all applicable criteria for approval, and requested approval for preliminary plat.

No decision had been made on the pathway location for the logging road. Staff report suggested north or south, with the commission suggesting location on the south end.

Direction of paving was discussed. Commissioner Tallman referenced a map of TAC industrial area master plan for the city of Canby presented at the November 5, 1997, meeting to cover ODOT's comments about the property would likely be affected by realignment of Redwood Street and should be addressed before development is allowed. Staff indicated alignment could possibly be affected if the crossing is moved. The Commission agreed road improvement should go to the south.

Proponents

None

Opponents

None

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

1. Commission agreed on a walking path between Lots 14 & 15.
2. Road improvements were discussed and Commission agreed they should be located on the south side.
3. Solar issue was discussed. Staff explained the general purpose was to create lots in subdivisions that have an orientation that allow homes to have access to solar energy for energy efficiency. The basic standard for a lot is to have 90' in a north-south direction and oriented so the front of the lot is 30 degrees east-west. Commission asked for clarification of the reference to 16.95a1c. Staff believes applicant is referring to road system whereby a cul-de-sac could create more lots that meet the standard, but the desire is to have a loop system. In doing the "road design requirement" they end up not being able to meet the standard. The request is for an adjustment specifically for roads. Staff agreed.
4. Staff agreed a discussion took place regarding lots, 35, 36, & 39 but was omitted in the staff report, and should be approved.
5. Lots 25 and 26 were discussed. Frontage should be in a north-south

orientation, but since the lots are close to being square, they could go either way. The commission agreed that since the frontage location fits the solar ordinance, the house should face south.

6. Lots 33 and 34 were discussed regarding required road layout. Staff reminded Commission they are permitted to make an adjustment, which applicant requested 5%. It was agreed to not include lots 33 and 34 since an adjustment can be made because of the number of lots that already face a north-south street and won't need to be figured in the calculation and would then meet the 80% rule. Commission agreed to the change.
7. It was noted the storm drain issue across the logging road had not been resolved yet.
8. Tree requirements were discussed. Commission agreed to execute a contract with a licensed landscaper, trees are to be planted before occupancy permit is allowed and trees are to be referred to in the CC&R to have them placed in the front, and to be the responsibility of the owner to maintain them.
9. Fencing requirement between the subdivision and the logging road was raised, but since there appears to be no safety or trespass problem, it was felt no fencing requirement was warranted.
10. Commission discussed road improvements should go to the south end of the subdivision, and then bond for the remaining portion for alignment change. Staff indicated they have not heard of any specific resolution to the alignment of Redwood as it crosses the railroad. Staff indicated it would be reasonable there could be a change in alignment from the south property line of this project. If alignment was done, the Commission agreed a road would need to be put in within 18 months.
11. The Commission agreed that sidewalks along the front of the existing house on lot 40 should be conditioned along with the subdivision.

Commissioner Tallman moved to accept **SUB 97-08** with the following list of conditions :

- 1) Walkway between lots 14 & 15.
- 2) The 28 ft improvement on N Redwood is to be to the south of the railroad crossing and is to be bonded for a period up to of 18 months if there's been no resolution to the road alignment.

- 3) Lot 25 & 26 homes are to face the south.
- 4) Street trees are to be planted prior to home occupancy by a licensed landscaper, and CC&R's are required with street trees to be planted and maintenance the responsibility of the homeowner.
- 5) Add condition #14 - lot 40 construction of sidewalks to be on the local road as well as on Redwood and to be done with the subdivision development.

Commissioner Stewart seconded the motion, and motion carried unanimously.

DR 97-07, an application by Dick Morse for Site and Design Review approval to develop a vacant 3.36 acre site into the future home of Canby Lumber. The site is located on the south side of Highway 99E and on the east side of S.E. Pine Street (Tax lots 403,404,406, and 407 of Tax Map 3-1E-34C).

Chairman Ewert asked if any Commissioner had a conflict of interest or ex-parte contact. One Commissioner visited the site and drew no conclusions, and Chairman Ewert had visited the site, had a brief discussion with Mr. Cutsforth a couple of months ago about the possibility of this transpiring, but drew no conclusion. No one from the audience had any questions of the Commission. No other ex-parte contact or conflict of interest was indicated.

Mr. Wheeler presented the staff report. The property, he explained, is for a 40,000 sq. ft. office retail warehouse building for a building supply business on the SE corner of Pine St. and Hwy 99E, and on the south side of SE 2nd Avenue. He stated the SE 2nd Ave. site plan was incorrect. The landscape plan verified with the architect would be correct, and the northern portion of an existing cul de sac will be eliminated and built as part of the landscape and part as the actual site development. The easement was abandoned earlier this year by the city. The southern part of the cul de sac will be renamed. The building is going to be shortened about 10' on the south side, 10' further to the north, and may be shifted to the south to reduce square footage that is about 2,600 feet over. This will also enlarge parking area. The outside covered area will extend out from the building by another 18', for 4000 sq. ft. The existing douglas fir tree is proposed to remain, and 15% landscaping provided on the site overall.

Staff has recommended a number of changes in the landscape plan mostly dealing with street trees and shrubs. Applicant was made aware of recommended changes and concurred with them.

Sixty-five parking spaces are required; there are 47 provided. Thirty-two parking spaces are required with the retail sales office area, and 33 with the warehouse. Applicant is requesting a reduction in number of parking spaces as warehouse space is also used. Staff believes the design & layout they have is workable without it having a shortage of spaces. Staff recommends approval of the reduction in parking spaces.

Loading facilities will use yard storage area, with one way entrance and one way exit. Staff has recommended wheel stops along north and west parking spaces. Applicant is requesting possible use of 2' wide curb. Staff feels this is an adequate alternative to wheel stops.

The access proposed is from Hwy 99E and Pine St. Pedestrian access is from Hwy 99E & Pine St. The sidewalk along 99E is 5' but should be 8' as required for sidewalks along Hwy 99E. No sidewalks are proposed along 2nd Ave, which match what was approved on south side on 2nd Ave.

Staff stated the building will be a concrete tilt-up for sales office retail area and a metal side building for the warehouse area. Roof will be a metal continuous roof for entire structure. Basic colors proposed are to match fire station across S. Pine St. and pole sign proposed is located along Hwy 99E east of intersection with Pine St. The plan is for use of residential architectural features on the office sales portion that fronts Hwy 99E, with wall signs along the building. Proposed chain link would be around perimeter of outside storage area. Some utilities will need to be relocated: electric and telephone cable running north-south, sewer lateral across east-west to be relocated north of the building, and gas line on the south part of Hwy 99E is in right of way of Hwy 99E.

Applicant

Jim Morse, representing Dick Morse, 17147 Old River Rd., Lake Oswego, OR commented staff already stated the points he would have stated. He pointed out a few revisions, however, that weren't covered: 1) the front sidewalk was stated at 12' but is proposed to be 9'. Mr. Morse stated they felt 12' was overkill and, using visuals, explained there was not enough distance for backing in and out; 2) moving of the handicap parking spaces over by the four stalls. He explained that half the building will be a concrete tilt up, with one portion a metal building with metal truss and clear span, and will be the same color siding as the rest of the building. The concrete tilt up will be appx. 21'-22' tall with a metal roof inside which cannot be seen from the outside and will connect into the warehouse; and 3) it was understood the parking issue covered off street parking on 2nd street, where it's assumed it's first come first served, and a portion of employees would be able to park there. The drive through is appx.

100' feet wide where 10-15 cars can park. Mr. Morse stated the nature of this kind of business is different than other retail business; lot of customers park in back, walk in and pay for the materials or sign their ticket, and never reach the retail portion of the building.

Mr. Morse stated Dick Morse was disappointed in that he paid for the landscape plan to be done and the landscape architect did a poor job. He said the trees suggested were obviously not what the city wanted. He stated all the trees suggested by the city are fine with them.

The commission questioned the drive through being 100' wide, and Mr. Morse clarified it is in fact 100' long.

Mrs. Tallman questioned how many employees could be parking and Mr. Morse indicated about 20. She said she had driven down there, noted cars were already double parked, and stated there was no room for additional cars on SE 2nd Ave. Mr. Morse said they too had driven down there and acknowledged they would also need to use parking spots out front and in the yard.

The commission questioned two different signs were noted and wanted clarification which one was to be considered. Staff agreed it was the same one used for calculations.

Staff also clarified for the commission that there is no on street parking on Pine Street.

Proponents

None

Opponents

None

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

1. Mr. Prince stated the point was missed of no sidewalks on the south part of the building and that there really needs to be some on SE 2nd, especially since it's going to be so widely used by parking. He felt the landscaping needed to be adjusted and that he'd rather see a sidewalk there. The commission agreed they were willing to sacrifice the landscaping for a 5' sidewalk. Mr. Morse stated Dick Morse spoke with someone from the city and offered to pay for the concrete to put in a

sidewalk if the city would put it in. The commission questioned who he had the conversation with but Mr. Morse wasn't sure who. The commission stated they were willing to adjust the landscaping. Mrs. Tallman asked how much space there was and staff indicated the right of way is wide enough for the sidewalk. Commission wanted to know how much landscaping they would be giving up. Staff calculated at approximately 2200 sq. ft.; 12' to property line and 10' from property line to curb, for total of 22', leaving 17', with exception of the yard area, which leaves a 5' width of landscaping, and staff indicated that was sufficient size.

2. Mr. Prince questioned moving the handicap parking area and were there other access rules for where it's put. Staff stated it needs to be accessible to the building by designated way and their location is, in staff's mind, almost the same thing. In looking at the main entrance they would be putting it on the left side instead of the right side and won't change the number of parking spaces or anything else. Staff stated it will have a designated pedestrian way to the door. Mrs. Tallman asked that it be pointed out where it is. She said she has a lot to do with handicap people and what non-handicapped people consider a small distance can be a very far distance to a really handicapped person. Staff stated it's about a 30' distance where it's currently proposed, and probably a 40'-50' distance to where they are looking to move it to from the center access isle to the main entrance area. Applicant stated more people were likely to be coming in off of 2nd street and if not paying attention it becomes a safety issue. The angle of the ramp would be what is required.
3. Mr. O'Shea stated he didn't like the pole sign and that he'd like to see a monument sign as there already is sign clutter on 99E. He also stated he doesn't like the Hwy 99E access at all. He thinks it would be adding a problem that doesn't exist right now, and they already have a huge access on Pine St. and a signalized intersection. Commission felt people would be making a left turn onto 99E right in front of the stop sign and it would be a huge disaster waiting to happen especially with the right turn onto 99E being a yield.
4. **Ken Guisinger, Manager of Canby Builders Supply**, clarified reasoning for wanting access on 99E was: 1) if you've ever been to Millar's and tried to come out into the median, it's not wide enough to do that. Since the realignment of the sign, it allowed more room to exit out into the safe zone before merging into traffic. He stated their goal was to see most of the traffic come in this way and, as local residents know how to get through Canby, this would probably be the primary entrance in,

with probably less coming in the other entrance. Mr. Guisinger stated people are going to find out how difficult it is to get out back onto Hwy 99E and wanted to provide easier access to 99E to head to Oregon City without too much trouble, and 2) they didn't want to have another shared entrance right next door if land gets developed from Millar's. He stated they would bring everything in here and sacrifice one entrance to serve that area.

Mr. O'Shea asked how far it was from the proposed driveway to Millar's paved portion of their driveway. Mr. Guisinger guessed 200'. Mr. O'Shea asked how far it was from the proposed intersection to the corner where you can make a right turn on a red light. Three hundred feet was the response. Staff stated that from the right turn portion it was probably 200'.

Mr. Prince asked if lot 405 was part of Millar's. Staff couldn't recall if ownership was the same and would need to take a look at the records. Staff indicated they at least lease it.

Mrs. Tallman asked how much it would jeopardize the operation to not have that exit onto Hwy 99E. Applicant stated it would be a potential loss. Percentage wise they couldn't put a number on it since they haven't been in this location. Mr. Morse stated the entrance would give you a second option should you miss the turn, and a right hand turn is the one applicant was most favorable with. He stated that although the mini-storage is right in/right out only, vehicles often make left turns. He stated it was important to have people get out onto 99E and into the median safe zone that would allow them the potential to at least get out there and not be a potential problem. Mrs. Tallman commented that if a person is needing something at the store, they know where it is and where they are aiming. The fact that they can't get in on 99E isn't going to make that much of a difference. Applicant stated that, as with every other business down this way, they are dealing with 99E and have to get to that business somehow, whether it's getting into the median and turning, or not.

Applicant stated, encouraging correction by staff, that there are three deeded accesses along there; on the Cutsforth property, plus Millar's. Mr. Morse stated part of the program was to consolidate those into one access that was between the two property lines so that one piece of property would be land locked. If it wasn't there they would get an access because you have to give that property access that's between the

proposed lumber yard and Millar's. He stated Millar's obviously was going to fight to make sure because they even have a driveway there onto theirs. He stated ODOT, through negotiations, part of the program was to give up all those deeded accesses to offer one access that could service both pieces of property. The Commission asked if there was documentation to support this. Staff stated they don't have a whole lot of things in writing, but they have a whole lot of meetings. Staff thought there was some documentation as to how many deeded accesses there are along there. Staff stated again, ODOT does not get into any permitting without local jurisdiction approval of an actual development; they don't permit without development.

Commissioner Ewert called for further discussion on access, or any other topic.

Commissioner Ewert listed items yet to be covered: staff talking about applicant concurring with landscaping, parking, doing away with wheel stops, and 12' sidewalk narrowed to 9'.

5. Mr. Stewart agreed with the sidewalk on north side of SE 2nd street, also agreed on four internal sidewalks, and that he stated he doesn't have a problem with moving the handicapped parking, and his concern is parking. He stated there is no parking on Pine because of the bike path. 2nd street and the drive through is congested. In regards to the drive way, he stated we would agreed to a one way right turn headed to Oregon City, but that he can't see someone making a left hand turn. In terms on the three deeded accesses, he stated that having a deeded access ODOT would only think about offering an entrance and exit, and means absolutely nothing. He reiterated that parking is going to be a problem, and was concerned about how it was all going to flow.
6. Commissioner Ewert questioned Applicant whether they'd be able to live without any parking on 2nd street. Applicant responded parking on 2nd Street is, like everyone else around there, first come first served. That means other businesses would have to have required parking for the amount of people they have. The Commission asked if they figured on street parking into the calculation. Applicant responded no. Commission stated they were shy 18 spaces. Staff responded that with the reduction in size of the building, applicant is down to 15 spaces. Mr. Stewart said what caught his eye was the statement additional parking would be provided on the north side of Pine St. Mr. Stewart said that on site parking needs to be provided, however they do that, be it in the yard, the drive through or whatever. Staff clarified to commission that what the applicant has proposed is inadequate. Commission agreed.

Mrs. Tallman commented that when you have a very bad problem, the Commission has a chance to avoid making it worse and that's why they are requiring the extra parking places.

Applicant questioned staff if parking was calculated on the square footage of retail or wholesale. Staff responded both. He explained it's calculated on four spaces per thousand square on the retail, one space per thousand square feet on the wholesale. Applicant again stated that if you consider their type of business where the entrance through the yard is a one way, they're going to exit everyone out on to Pine St. and not going to let them clog the area or try to get back out onto 99E. 70% contractor trade means that they roll in with their pick up, they either go out into the yard and will exit out that direction. As for our employees parking, we can put 10-12 parking spots out the in the yard, but are just asking that the Commission consider the fact that our type of business is a little bit different. The Commission gave an example that even if there were five customers picking up materials at any given time, they're still ten parking spots shy. Applicant said we are not even discussing the runway which can hold up to 15 easily. Applicant clarified this is the drive through. Commissioner Ewert agreed that there is a uniqueness to this type of business and he personally uses the drive through and does hold some credence to that statement but stated it needs to be determined if it hold 15 parking spots worth of credence. Mr. Prince stated he goes to their operation now and thinks 15 cars are stretching it in that area. He feels there should be some parking provided in the back lot at least.

Mr. Stewart stated he didn't think parking as it sits with the drive through is adequate. He's willing to compromise but not willing to say it doesn't matter. Commissioner Ewert stated 2nd and Pine can't be overloaded any more. Mr. Stewart wanted designated parking in the yard. Both Applicant and Commission agreed Applicant would provide six designated spaces in the yard.

Mr. Prince pointed out this agreement is only due to the type of business and should not be precedent setting. Commissioner Ewert agreed that it would be specifically stated that the Findings.

7. The Commission expressed concern over access to 99E. Some were opposed to any access at all, stating there is large access to the yard on 2nd and large access on Pine St. It was stated that the right turn does not work; it's been proven, and people have testified to that. It was commented a right in, right out would be OK, but that people violate it. It

was voiced they could develop a common entrance with Millar too, to get it farther away from the intersection. Also, once Redwood gets signalized it will cut down on some speed. The Commission agreed to eliminate access onto 99E.

8. The Commission agreed to reducing the sidewalks from 12 feet to nine feet and to landscaping changed as per staff recommendation.

The Commission also agreed to a five foot sidewalk on 2nd street, reducing the percentage of landscape. Staff indicated it would be covered in the Findings.

Staff wanted clarification of the four internal sidewalks that they be connecting. Specifically the sidewalk from Hwy 99E to the building, and off of Pine St. The plans didn't quite show going all the way to the building, but felt it was a plan oversight.

9. The signage issue was discussed. It was stated the design of the sign was OK, but objected to it being in the air and would like to see it as a monument sign. Staff stated the sign is located close to the same location as the fir tree. Mr. Prince asked about vision clearance of a monument sign. Staff indicated it wouldn't be in a vision clearance, that it's past 30' from the corner.

Concern was expressed about pole signs. It was stated that if the Commission keeps approving pole signs, one after another, Canby would look like Gladstone/Oak Grove. Mrs. Tallman commented that if we took away their entrance, we at least give them their high sign. Statement was made that we weren't taking it away, but trying to make it more attractive. Statement was made that we are bound by so many businesses that are already grandfathered, and the Commission should start now to get the signs down. Commission agreed 4-2 to have a monument sign.

10. Staff explained that a 2' wide concrete strip is not in the sidewalk area but is actually where the landscaping is. If you put in a wheel stop you have concrete, back to pavement, then curb area. Instead of doing that you just have concrete from the wheel stop over to where the curb is so you have a paved area instead of 18' you have 16' but that includes the hang over area of 2'.

Commissioner Ewert reiterated the following:

1. Sidewalks change from 12' to 9'
2. Condition that there will be 6 parking spots designed in yard storage area.
3. 99E access eliminated.

Applicant stated we can all speculate what is happening with ODOT and how they come up with their decision, and said they're the ones that came to them with their recommendations. Commissioner Ewert said he understood what he was saying, but that the Commission doesn't want it there because it's too close to the intersection and cars yielding. He stated he might not be so apprehensive if there wasn't the right turn yield coming off of Pine, but if it could be moved down another hundred feet, it would be safer. It was stated the Commission's verbiage tonight is not necessarily telling Applicant to give up the access, but that the Commission would like to see it farther down, and it's felt it is a safer situation. A Commissioner stated that ODOT doesn't do planning, we do, and the Commission is concerned about the safety of the community. Applicant said in proposing to move it farther down, the medium becomes narrower.

Commissioner Ewert also stated they'd gain by not having that access by getting another 4-5 parking spots in the parking lot, along with the landscaping.

4. Landscaping to be changed as to staff recommendation.
5. Sidewalk on 2nd street to be 5' and change condition #16, and is OK to reduce the landscaping.
6. Two Internal sidewalks: one from 99E to the building, and one from Pine to the building. Staff stated that is already in the recommendations.
7. Would like to see a monument sign instead of an additional pole sign.
8. Wheel stop strip is OK.

Commissioner Keller moved to approve **DR 97-07** as modified, Commissioner Prince seconded the motion. Motion carried unanimously.

VII. NEW BUSINESS

Mr. Kruckeberg presented staff report on design review 96-15 and sign 97-17. He stated the property is located on NE corner of S. Ivy & Highway 99E. Tax lot 6300 of Tax Map 3-1E-33BB. Applicant requests site and design review approval for sign at 17,881 sq. ft. Canby Car Wash and Lube site. Request for one pole sign, with three additional wall signs. The pole sign would be two sided, 6'X5', 60 square feet, that reads "Canby Car Wash and Lube". At 160 square feet, it meets the conditions to not exceed that figure. The sign is

compatible to color and other materials on site. It is located in the southeast corner of the property, set back 10 feet from curb. Staff recommends approval.

Commissioner Stewart moved to approve **DR 96-15 and SN 97-17** sign as submitted. Commissioner Prince seconded the motion.

Further discussion took place initiated by Chairman Ewert who felt the sign should be down on the ground as that location is the basis for the design review matrix.

After additional discussion by the Commission, the motion to **DR 96-15 and SN 97-17** was approved 5-1.

VIII. COMMUNICATIONS

Staff stated a planning commission application had been received. Chairman Ewert asked an appointment be set up by staff.

Commissioner Prince stated that if the Commission is serious about having monument signs that it require appropriate set back on the highway that will accommodate them.

IX. DIRECTOR'S REPORT

Staff informed Commission that the solar access ordinance does restrict subdivision design and layout e.g. Tofte Farms, which needed solar ordinance, and does restrict design. Staff indicated it is very difficult to explain, to understand and to use.

Staff stated the City Council recommended approval of the Graymor annexation, with the statement of reservation of the right to require boundary commissioner approval to go to the people. If the boundary commissioner approves it, City Council would need to make a resolution to refer it the people. Ordinance revisions were adopted on first reading, second reading at next meeting.

Mr. Wheeler said Joyce had been placed on administrative leave, nearly a month ago, is using vacation and comp. time and has resigned as of December 11, 1997.

Also, Jim Wheeler announced he has accepted a position with the City of Gresham, and his last day full time will be December 12, 1997.

X. ADJOURNMENT

The meeting was adjourned.