

A G E N D A
CANBY PLANNING COMMISSION
REGULAR MEETING
City Council Chambers

Monday, February 24, 1997

7:30 p.m.

I. ROLL CALL

II. MINUTES
February 10, 1997

III. CITIZEN INPUT ON NON-AGENDA ITEMS

IV. COMMISSION DISCUSSION OF PLANNING ISSUES

V. FINDINGS
MLP 97-01 - Bill Guttormsen

VI. PUBLIC HEARINGS

THESE HEARING ITEMS ARE TO BE CONTINUED TO 3/10/97

SUB 97-02 an application by Allen Manuel and Glennette Danforth to develop a 6-lot subdivision on approximately 40,000 square feet. The site is located on the north side of S.E. Township Road, east of S. Ivy Street and west of S. Knott Street [Tax Lots 5500, 5600 and 5700 of Tax Map 3-1E-33DC].

VAR 97-02, an application by Allen Manuel and Glennette Danforth for approval to create two subdivision lots with frontage widths of 57.94 feet and 58.20 feet respectively, on S.E. Township Road, in variance to the minimum 60 foot width permitted by the Zoning Ordinance. The property is located on the north side of S.E. Township Road, west of S. Ivy Street and east of S. Knott Street [Tax Lots 5500, 5600 and 5700 of Tax Map 3-1E-33DC].

VII. COMMUNICATIONS

VIII. OLD BUSINESS

IX. DIRECTOR'S REPORT

ADJOURNMENT

The City of Canby Planning Commission welcomes your interest in these agenda items. Please feel free to come and go as you please.

Dan Ewert, Chair
Terry Prince

Keith Stewart, Vice-Chair
Dave Hartwell

Vern Keller
John Dillon

Mark O'Shea



TIMELINES AND PROCEDURES

- In order not to restrict any person from testifying but, rather, to encourage everyone to do so, the Canby Planning Commission shall try to adhere as closely as possible to the following timelines:
 - Applicant (or representative[s]) - not more than 15 minutes
 - Proponents - not more than 5 minutes
 - Opponents - not more than 5 minutes
 - Rebuttal - not more than 10 minutes
- Everyone present is encouraged to testify, even if it is only to concur with previous testimony. All questions must be directed through the Chair. Any evidence to be considered must be submitted to the hearing body for public access. All written testimony received both for and against shall be summarized by staff and presented briefly to the hearing body during the Staff Report.
- The applicable substantive criteria are those listed on the agenda sheet available at the rear of the room and on page 2 of the staff report. Testimony and evidence must be directed toward the applicable substantive criteria listed on page 2 of the staff report or other criteria in the Comprehensive Plan or land use regulations which the person believes to apply to the decision.
- Failure to raise an issue accompanied by statements or evidence sufficient to afford the decision-maker and the parties an opportunity to respond to the issue, precludes appeal to the Land Use Board of Appeals based on that issue.
- Prior to the conclusion of the initial evidentiary hearing, any participant may request opportunity to present additional evidence or testimony regarding the application. The Planning Commission shall grant such request by continuing the public hearing or leaving the record open for additional written evidence or testimony. Any such continuance of extension shall be subject to the limitations of the so-called 120-day rule, unless the continuance or extension is requested or agreed to by the applicant.
- If additional documents or evidence are provided by any party, the Planning Commission may, if requested, allow a continuance or leave the record open to allow the parties a reasonable opportunity to respond. Any such continuance or extension of the record requested by an applicant shall result in a corresponding extension of the so-called 120-day time period.

PLANNING COMMISSION
SIGN-IN FORM

Date: February 24, 1997

PLEASE PRINT CLEARLY

NAME

ADDRESS

Bob KRAUER
James Buchal
Roger King
Deek Moore

489 SW 1st Crwy
28998 S. Mendon Road
273 N Grand St.
1934 Country Club Dr

-MEMORANDUM-

TO: *Planning Commission*

FROM: *Jim Wheeler, Planning Director* ^{JSW}

DATE: *February 14, 1997*

RE: *Application Submittal Requirements*


The information that is required to be submitted with a land use development application can be found in your Land Development and Planning Ordinance:

Special Permit (Mobile Homes)	16.44.090 - 16.44.110	No specified requirements
	16.44.100(B)	Medical notice for medical hardship
Site and Design Review	16.49	No Requirements
Conditional Uses	16.50.020	page 75
Nonconforming uses & structures	16.52	No Requirements
Zoning Map Changes	16.54.020	page 80
Lot Line Adjustments	16.58.020	page 84
Minor Land Partitions	16.60.010	page 86
Subdivisions	16.62.010	page 89
Planned Unit Developments	16.72.030	page 105
Condominium Project (less than 6 units)	16.78.020	page 110
Annexations	16.84.030	page 116
Text Amendments	16.88.070	page 121
	16.88.160(B)	page 126
Appeals	16.88.140(B)	page 124
Variances	16.88.150(B)	page 125
Comprehensive Plan Amendments	16.88.180(B)	page 126

Adding, changing, or providing new requirements for application information submittal is what we will be looking at. Some of these land use actions require very little information on the application, and most of the applications are not frequently submitted. The most frequently applied for land use actions are Site and Design Review, Subdivisions, Partitions, and Annexations.

-MEMORANDUM-

TO: *Planning Commission*

FROM: *Larry Vasquez, Assistant City Planner* 

DATE: *February 14, 1997*

RE: *Continuance of VAR 97-02 and SUB 97-02*

The public hearing for the Manuel Allen and Glennette Danforth application (VAR 97-02 / SUB 97-02) will be continued due to an error made in the text of the public notice. Public notice procedures require that we re-notice the application and schedule the public hearing for the March 10, 1997 meeting.

**PLANNING COMMISSION
SIGN-IN FORM**

Date: February 10, 1997

PLEASE PRINT CLEARLY

NAME
MIKE JONES

James Bucher

Bill Guttorson

ADDRESS

697 NW 3RD CRAWLEY

28998 S. Meridian Rd Hubbard

12217 S. MacArthur Rd

PLANNING COMMISSION
SIGN-IN FORM

Date: January 27, 1997

PLEASE PRINT CLEARLY

NAME

ADDRESS

CHRISTOPHER BRAND

1300 SW 5th PORTLAND 97201

BOB KACAK

489 SW 1st Anny

Wayo JACKSON

5200 SW. MACADAM Portland -

PAUL BRYANT

4495 NW 235th HILLSBORO

Jim Zupancic

1800 SW 5th Portland 97201

Dick Morse

102 NE 1st ST CANBY

Ray Burden

23230 Skene C & E Clark

Idna Burden

" " " " " "

Regan Falkenstein

Madras Community College

Shigekazu Fujimoto

685 SE NYBERG RD Tualatin

A G E N D A
CANBY PLANNING COMMISSION
REGULAR MEETING
City Council Chambers

Monday, February 10, 1997

7:30 p.m.

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January 27, 1997

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 - V. FINDINGS

MLP 97-01 - Bill Guttormsen
DR 97-01 - Shimadzu Scientific Instruments, Inc.

 - VI. PUBLIC HEARINGS

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 - VIII. OLD BUSINESS

VAR 96-01

 - IX. DIRECTOR'S REPORT

 - X. ADJOURNMENT
-

The City of Canby Planning Commission welcomes your interest in these agenda items. Please feel free to come and go as you please.

Dan Ewert, Chair
Terry Prince

Keith Stewart, Vice-Chair
Dave Hartwell

Vern Keller
John Dillon

Mark O'Shea

NORTHWOOD INVESTMENTS

1127 NW 12th Ave, Canby, Oregon 97013

January 24, 1997

City of Canby Planning Commission
Attn: Mr. Jim Wheeler, Planning Director
182 North Holly Street
Canby, OR 97024

RE: NORTHWOOD INVESTMENT (IFA) PROPERTY

TAX MAP 31E 32AA	TL. 800
TAX MAP 31E 32AD	TL. 100-200 & 1700
TAX MAP 31E 33BB	TL. 300 & 501
TAX MAP 31E 33BC	TL. 6600

Mr. Chairman and Commission Members:

As a legislative issue relating to the periodic review of the City of Canby Comprehensive Plan, the owners of the above reference real property (IFA Site) request that amendments to the "Comprehensive Plan" include the referenced site within the Urban Growth Boundary with the appropriate Residential Zoning.

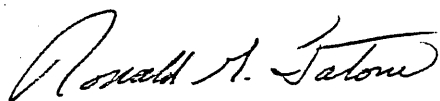
The 30 plus acre site has been within the City limits since early incorporation of the original townsite of Canby. A full compliment of utilities together with adopted street patterns are available to the site. Inclusion of this property would provide an efficient operation of transportation and utility systems, and permit implementation of the original planning efforts for this northwest Canby neighborhood.

The need for residential housing in North Canby is essential for the balanced growth to the overall City. This site is readily available to complement the projected need for residential use.

We would appreciate your thoughtful consideration to this request.

Sincerely,

NORTHWOOD INVESTMENTS



Ronald G. Tatone, P.E.
Partner

RECEIVED

JAN 28 1997

CITY OF CANBY

BEFORE THE PLANNING COMMISSION
OF THE
CITY OF CANBY

A REQUEST FOR SITE AND DESIGN)
APPROVAL TO CONSTRUCT A 54,000)
SQUARE FOOT MANUFACTURING)
BUILDING)

FINDINGS, CONCLUSIONS & ORDER
DR 97-01
(Shimadzu USA Manufacturing)

NATURE OF APPLICATION

The applicant is requesting site and design approval to construct a 54,000 square foot manufacturing building, which includes 10,000 square feet of office space and support areas. The development is proposed to occur on a 15 acre parcel in the Phase 2 portion of the Logging Road Industrial Park.

HEARINGS

The Planning Commission held a public hearing and considered this application at its meeting of January 27, 1997.

CRITERIA AND STANDARDS

In judging whether or not a Design Review Application shall be approved, the Planning Commission shall weigh the proposal's positive and negative features that would result from authorizing the particular development at the proposed location and, to approve such use, shall find that the following criteria are either met, can be met by the application of conditions, or are not applicable:

1. The Planning Commission, sitting as the Design Review Board, shall, in exercising or performing its powers, duties or functions, determine whether there is compliance with the following:

- A. The proposed site development, including the site plan, architecture, landscaping and graphic design, is in conformance with the standards of this and other applicable City ordinances insofar as the location, height and appearance of the proposed development are involved; and
 - B. The proposed design of the development is compatible with the design of other developments in the same general vicinity; and
 - C. The location, design, size, color and materials of the exterior of all structures and signs are compatible with the proposed development and appropriate to the design character of other structures in the same vicinity.
 - D. The Board shall, in making its determination of compliance with subsections (B) and (C) above, use the following matrix to determine "compatibility". An application is considered to be "compatible", in regards to subsections (B) and (C) above, if a minimum of 65% of the total possible number of points (not including bonuses) are accumulated for the whole development.
 - E. It must be demonstrated that all required public facilities and services are available, or will become available through the development , to adequately meet the needs of the proposed development.
2. The Design Review Board shall, in making its determination of compliance with the requirements set forth, consider the effect of its action on the availability and cost of needed housing.
 3. The Design Review Board shall, in making its determination of compliance with the requirements set forth, consider the effect of its action on the availability and cost of needed housing. The Board shall not use the requirements of this section to exclude needed housing types. However, consideration of these factors shall not prevent the Board from imposing conditions of approval necessary to meet the requirements of this section. The costs of such conditions shall not unduly increase the cost of housing beyond the minimum necessary to achieve the purposes of this ordinance.

4. As part of the site and design review, the property owner may apply for approval to cut trees in addition to those allowed in Section 12.20.080 of the City Tree Ordinance. The granting or denial of said application will be based on the criteria in Chapter 12.20 of the City Tree Ordinance. The cutting of trees does not in and of itself constitute change in the appearance of the property which would necessitate application for site and design review.

FINDINGS AND REASONS

The Planning Commission deliberated on all testimony presented at the January 27, 1997 public hearing, and incorporates the January 17, 1997 staff report, public testimony at the January 27, 1997 public hearing, and Commission deliberations as support for its decision. The Planning Commission accepts the findings in the January 17, 1997 staff report, insofar as they do not conflict with the following findings:

1. The Planning Commission finds that voluntary restrictions, by the applicant, regarding employee and delivery traffic routing away from Township Road is appropriate in that the condition of Township Road is poor and the intersection of Township Road with S. Ivy Street is also poor.
2. The Planning Commission finds that scarlet oaks are suitable street trees, and that the use of scarlet oaks, that have been grown on the site, as street trees along S.E. 4th Avenue is appropriate.
3. The Planning Commission finds that the "compatibility matrix" score for the location of the parking lot is 0.5 instead of 0, in that the parking lot is located both along the side and in the front. The point score for a side location of the parking lot is 1 and the point score for the front location is 0, thus the average score for the location of the parking lot is 0.5.
4. The Planning Commission finds that the overall "compatibility matrix" score for the application of 23.5 points out of a total possible number of points of 32 (73.5%) meets the minimum criteria of 65% to be considered "compatible according to approval criteria 1(B) and 1(C).
5. The Planning Commission notes that the western wall will be tan in color, not red as depicted in the application file.

6. The Planning Commission finds that the alternative proposal of providing pedestrian connection from S.E. 4th Avenue to the main entrance, locating directly in front of the entrance instead of east of the main entrance, is appropriate and suitable. Further, only the one pedestrian connection to the public right-of-way from the main entrance, as proposed (and amended), is needed.
7. The Planning Commission finds that the addition of a window in the employee lunch room, overlooking the eastern, employee parking lot, is appropriate for safety and security reasons.
8. The Planning Commission finds that elimination of the wheel stops for the parking spaces located along the perimeter of the parking lots is appropriate in that the wheel stops in these locations create a maintenance difficulty and result in the accumulation of dirt and debris.
9. The Planning Commission finds that with the removal of these wheel stops, the walkways located along the parking spaces need to be six (6) feet wide in order to accommodate pedestrian use of the walkway and a 2-foot vehicle overhang. The Planning Commission further finds that the shrub planting proposed along the southern parking spaces will need to 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.
10. The Planning Commission finds that the lights providing the lighting for the parking lots need to have "hoods" and be directed only downward in order to reduce the amount of "light pollution" that might result, in that the site is adjacent to the Logging Road which is designated as a walking/ bike path.

CONCLUSION

The Planning Commission concludes that, with appropriate conditions:

1. is in conformance with the standards of this and other applicable City ordinances insofar as the location, height and appearance of the proposed development are involved; and
2. is compatible with the design of other developments in the same general vicinity; and

3. is compatible with the proposed development and appropriate to the design character of other structures in the same vicinity, in regards to the location, design, size, color and materials of the exterior of all structures and signs, and
4. is considered to be "compatible", in regards to subsections (B) and (C) above, because 73.5% of the total possible number of points (not including bonuses) are accumulated for the whole development, and
5. all required public facilities and services are available, or will become available through the development , to adequately meet the needs of the proposed development, and
6. will have a negligible effect on the availability and cost of needed housing.
7. Further, staff concludes that, the conditions listed are the minimum necessary to achieve the purposes of the Site and Design Review Ordinance, and do not unduly increase the cost of housing.

ORDER

IT IS ORDERED BY THE PLANNING COMMISSION of the City of Canby that DR 97-01 is approved, subject to the following conditions:

Prior to the issuance of the Building Permit:

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.

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.
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.

Notes:

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.

I CERTIFY THAT THIS ORDER approving DR 97-01 was presented to and APPROVED by the Planning Commission of the City of Canby.

DATED this 10th day of February, 1997.

Dan Ewert, Chair
Canby Planning Commission

Joyce A. Faltus
Secretary

ATTEST:

ORAL DECISION - January 27, 1997

AYES: Prince, Stewart, Ewert, Hartwell, Dillon, Keller, O'Shea

NOES: None

ABSTAIN: None

ABSENT: None

WRITTEN FINDINGS - February 10, 1997

AYES:

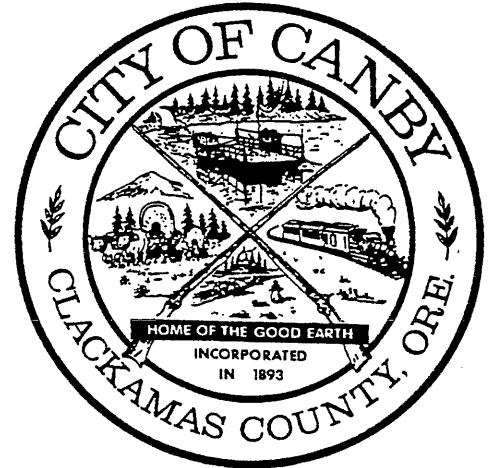
NOES:

ABSTAIN:

ABSENT:

February 6, 1997

Mike & Nancy Jones
654 NW 3rd Ave.
Canby, OR 97013



RE: "Carriage House" compliance with Uniform Building Codes

Dear Mr. & Mrs. Jones:

The Planning Commission discussed your question regarding the need to bring the "carriage house" into compliance with current Building Codes, at their 1/27/97 meeting. They felt that the condition, and the intention of that condition, placed on the granting of the variance was clear and unequivocal. It was stated by the Planning Commission that you verbally acknowledged and accepted the conditions when asked if the conditions were acceptable at the public hearing, prior to the decision to tentatively approve the application by the Planning Commission.

For further clarification, the conversion of the "carriage house" was done without a building permit and therefore, was never verified as to code compliance at that time. The condition of approval clearly states that it must be "brought up to the current Uniform Building Codes". The method of accomplishing this has been previously spelled out and staff has not added new "mandates" or new conditions to the approval.

In order for a building to be considered in compliance for residential occupancy with the current Uniform Building Code, an occupancy permit from Clackamas County for the electrical wiring in the building must be obtained. This is the standard for residential construction throughout the City. Additionally, structural details are needed to ascertain whether the structural aspects of the building are in compliance with the Uniform Building Code.

Your most recent letter will be forwarded to the Planning Commission and will most likely be discussed at the 2/10/97 meeting. I would recommend that you attend that meeting and discuss this issue directly with them. Safety of occupants cannot be determined without information regarding the construction (or remodeling) of the building. That is the reason for the information submittal requirements. Additionally, Clackamas County is the permitting/inspection authority for electrical wiring in a building.

If you have any other questions, please call me or Bob Godon, 266-9404.

Sincerely,

James Wheeler
Planning Director

cc: Roger Reif, Bob Godon, Planning Commission