

A G E N D A
CANBY PLANNING COMMISSION
REGULAR MEETING
City Council Chambers
Monday, July 25, 1994
7:30 p.m.

I. ROLL CALL

II. MINUTES

June 13, 1994
June 27, 1994
July 11, 1994

III. CITIZEN INPUT ON NON-AGENDA ITEMS

IV. COMMUNICATIONS

V. FINDINGS

SUB 94-01 - Pizzuti
MLP 94-03 - Manual/O'Halloran
MLP 94-05 - Smith
DR 94-09 - Wayne Scott

VI. OLD BUSINESS

VII. NEW BUSINESS

VIII. COMMISSION DISCUSSION OF PLANNING ISSUES

IX. PUBLIC HEARINGS

MLP 94-04, an application by Melvin L. Dorson for approval to partition a 24,375 square foot lot into two lots, 11,700 square feet and 12,675 square feet, respectively. The applicant proposes to install a manufactured home on the easterly 11,700 square foot lot. The property is located at 784 N.W. 3rd Avenue (Tax Lot 1400 of Tax Map 3-1E-32D).

DR 94-08, an application by Don Hardy, Planning Design Group [applicant] and William and Irva Graham [owners] for Site and Design Review approval of a Card Lock Facility added on to the existing Pacific Pride card lock facility, operated by Graham Oil. The site is located at 640 SW Second Avenue, west of S. Elm Street (Tax Lots 6500, 6501 of Tax Map 3-1E-33CC). *Carried over from June 27, 1994 and July 11, 1994.*

X. DIRECTOR'S REPORT

XI. ADJOURNMENT

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

Kurt Schrader, Chair
Stan Elliot
Wade Wiegand

Linda Mihata, Vice-Chair
Dan Ewert

Bob Gustafson
Tamara Maher



MEETING 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. For more complete presentations, Proponents and Opponents may "buy" time from one another. In so doing, those either in favor, or opposed, may allocate their time to a spokesperson who can represent the entire group.*
- *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 at the beginning of the hearing.*

Unless there is a continuance, if a participant so requests before the conclusion of the initial evidentiary hearing, the record shall remain open for at least seven (7) days after the hearing.



MINUTES**CANBY PLANNING COMMISSION**

*Regular Meeting
June 13, 1994
7:30 p.m.*

I. ROLL CALL

Present: Chairman Schrader, Vice-Chair Mihata, Commissioners Elliot, Wiegand, Maher and Gustafson

Staff Present: Robert Hoffman, Planning Director, and Joyce Faltus, Secretary.

Others Present: Tony Pizzuti, Jenn Keller, Larry Graff, Donna Jean McManamon, Tom Kendall, Joseph and Shirley Regan, George Wilhelm, Ron Tatone, A. Pizzuti, Andy DiTommaso, Jeff and Nicole Pizzuti, Phil Colbaugh

II. MINUTES

The May 9, 1994 minutes were approved, as amended.
The May 16, 1994 minutes were approved, as amended.

III. CITIZEN INPUT ON NON-AGENDA ITEMS

Mr. Pizzuti requested reconsideration of SUB 94-01 based on the results of the workshop held between the Planning Commission, City Council, and the school board, which indicated that adequate school services are available.

John Kelley, City Attorney, explained that since an appeal has been filed, the time frame for the appeal would start to run from the date of decision of the reconsideration. Commissioner Wiegand moved for reconsideration of SUB 94-01, the hearing to be reopened on July 11, 1994. Chairman Schrader seconded the motion and it carried unanimously.

IV. COMMUNICATIONS

Mr. Hoffman advised the Commission of a scheduled joint meeting between the Council and the Planning Commission regarding a proposed Transportation Systems Development Charge, on July 13th at 7:00 p.m., in Council Chambers.

V. FINDINGS

Commissioner Maher moved to approve the Final Order for CUP 94-04 [Canby Medical Clinic], as submitted. Commissioner Wiegand seconded the motion and it carried unanimously.

Commissioner Gustafson moved to approve the Final Order for SUB 94-02 [Country Club Estates #4], as submitted. Commissioner Maher seconded the motion and it carried unanimously.

VI. COMMISSION DISCUSSION OF PLANNING ISSUES

Commissioner Mihata reported that tree experts are being trained, and more volunteers are needed to accomplish the City tree inventory project. She requested that name badges be prepared to identify tree inventory volunteers to residents.

Chairman Schrader reported on the results of the South Clackamas Recreation Board and Task Force survey of people within the district, and how issues were prioritized by residents. In the latest survey, services were emphasized more than capital type improvements.

Regarding the City Council, Planning Commission, METRO joint meeting, Chairman Schrader suggested the transportation issue should be tied in to that discussion. Mr. Hoffman advised that he suggested two hours be reserved in order to cover the transportation issues. Dr. Schrader suggested two separate meetings be held; one to discuss the METRO alternatives, and one to discuss transportation issues.

Rural reserves was discussed. Chairman Schrader stated that it would guarantee certain agricultural lands just outside the City limits could not become part of the Urban Growth Boundary. The downside is that it would lock Canby into the current growth rate. Chairman Schrader suggested this issue be investigated more thoroughly.

Mr. Hoffman stated that, with regard to the Tree Ordinance, the Commission should take action and make a recommendation to City Council regarding the tree list. The solar access aspect has been made a part of the current list.

Chairman Schrader explained that the Mayor suggested, at the workshop between the school district, the Council and Commission, that representatives from the district, Council, and Commission should meet on a quarterly basis. The Mayor suggested two people from each body act as representatives. Commissioners Mihata and Ewert will act as representative, with Stan Elliot acting as standby.

Regarding the visioning process, Commissioner Maher asked if the information garnered there can be used to update the Comprehensive Plan. Chairman Schrader suggested that they should be included in the view of how Canby develops, especially as it relates to land use issues. Commissioner Mihata explained that the Mayor told her the Comprehensive Plan will be a tool used to implement some of the input from the visioning process.

VII. NEW BUSINESS

None

VII. PUBLIC HEARINGS

SUB 94-03, an application by Regan Enterprises for approval to develop Phase VI of Township Village. The applicant is proposing to develop 12 single family residential lots. The site is located south of Township Road, west of S. Pine, at S.E. 10th (Tax Lot 4500 [part] of Tax Map 4-1E-3BC and Tax Lot 4800 [part] of Tax Map 4-1E-4AA). *Continued from April 11, 1994, April 25, 1994, May 9, 1994, and May 23, 1994*

Chairman Schrader explained that this hearing was continued in an effort to get further input from the schools. He explained the hearing process and procedures. He asked each Commissioner individually if he or she had ex-parte contact or conflict of interest. None was indicated, other than Commissioners Schrader, Maher, Wiegand, Gustafson and Elliot attending the workshop.

Chairman Schrader summarized key points from the workshop. The Board felt the school district is okay financially for a couple of years due to reductions in costs due to unification, basic frugality, and by using up cash reserves. Three new teachers will be hired and the Board is committed to retaining the

current teaching staff. Since the district is artificially mitigating the effects of Measure #5, Canby will remain at a higher level for the next two years, at which time a steep drop is expected with or without growth. The number of proposed units and units that have received building permits were discussed. A new capacity formula was developed, taking into account additional factors that had not been added before, showing increased capacity. With growth in mind, the School Board expressed interest in keeping closer tabs on growth patterns in order to adjust boundaries. Additionally, a Schools Systems Development Charge was briefly discussed, which is really a State issue since a new law is needed. Mr. Hoffman suggested that the May 27, 1994 communication from the School Board, with the new summary paragraph which stated that there were reasonably sufficient service levels and capacity levels for the next two years, and new chart summarizing student enrollment and capacity as of May, 1994, should be included as part of the record.

The audience was asked if it had any questions. None were indicated.

Chairman Schrader explained that the hearing would continue at the public testimony portion. As no testimony was forthcoming, the public portion of the hearing was closed for Commission deliberation. Issues discussed included:

1. The Commission discussed the workshop that was held between the school district, City Council and the Planning Commission. The result of the workshop was that the School Board felt it would be economically sufficient for several years due to the district's frugality, reductions in costs due to unification, and by using up cash reserves. Due to growth, three teachers would be hired for the upcoming school year and the Board committed itself to maintaining the existing teaching staff. The Board also indicated Canby would remain at a high level of services for the next two years and that, with or without growth, that level would taper off after the next two year period. Growth projections indicate the possible shortage of facilities after the next two year period also. Mr. Miller's new capacity projection was discussed, which included new factors not considered previously, and indicated facility space for 1,100 new students. At the workshop, part of the discussion included notifying new residents in the Trost area that their children might have to attend Carus school or some other school, as adjustment to growth boundaries is inevitable. The Commission discussed keeping track of growth patterns, especially of apartment complexes and manufactured home parks, which generate many new students. At the workshop, the School Board recognized its need to keep in close communication with the City regarding growth patterns. The communication from the School Board dated May 25, 1994, which

included a new summary paragraph that states the district concludes it has adequate physical capacity and can provide reasonably sufficient service levels for the new two years was introduced into the record. A new chart summarizing capacity for an additional 1,175 students, was also included in the record.

2. The Commission discussed the possibility of access to Ivy from this development. Mr. Hoffman explained that such access actually depends on what is recommended by the Transportation Study and, that at this point, he would be in favor of dropping that as a condition of approval.
3. The Commission discussed the tree issue and was reminded that the applicant had agreed the sidewalk would be built against the curb, and the trees would be built behind the 5' sidewalk, which would be looped around mailboxes.
4. The Commission discussed the fence at the northern end of the Lee School property. Mr. Wilhelm explained that fence could end where the dedicated park land begins.

Based on the findings and conclusions in the staff report dated April 1, 1994, on testimony at the hearings and on Commission deliberation, **Commissioner Maher moved to approve SUB 94-03, subject to the following conditions:**

1. Full-width barricades shall be placed, at the developer's expense, at the west end of 10th Avenue.
2. Any necessary utilities shall be constructed to the specifications of the service-provider.
3. Utility easements shall be provided and are to be twelve (12) feet along all streets and exterior parcel lines. Exterior lines of the subdivision adjacent to other platted subdivisions with easements, and easements along all interior lot lines, are to be six (6) feet wide off of each lot, for a total of twelve (12) feet.
4. "As-built" drawings shall be submitted to the City within sixty (60) days of completion.
5. Street name and traffic control signs shall be provided at the developer's expense. This shall include "dead end" signs for the end of the streets and "Stop" street signs, where required by the Director of Public Works.

6. A one foot "plug" and reserve strip shall be provided at the end of the dead ended streets to prevent access to the west until platted or developed.
7. The final plat shall reference this land use application - City of Canby, File No. SUB 94-03, and shall be registered with the Clackamas County Surveyor's Office and recorded with the Clackamas County Clerk's Office. Evidence of this shall be provided to the City of Canby Planning Department prior to the issuance of building permits requested subsequent to the date of this approval.
8. The final plat mylars must contain, in the form specified, all information necessary to satisfy all matters of concern to the County Surveyor, or his authorized Deputy, including, but not necessarily limited to, various matters related to land surveying, land title, plat security, and plat recordation.
9. Curbs and sidewalks shall be provided along all street frontages. While building setbacks are normally required to be measured from the property line, in situations where the sidewalks are built on private property, the driveways and parking areas shall be designed to provide a minimum of 19 feet of parking area between the sidewalk and the face of the garage (or some equal outdoor parking provided on-site). The sidewalk shall be 5 feet wide (including curb), usually located adjacent to the curb and with a minimum of 5 feet clear distance for pedestrians where adjacent to mailboxes, newspaper boxes, fire hydrants and other obstructions.
10. No more than four lots in each block shall have the same house designs.
11. Erosion-control during construction shall be provided by following the recommendations of the "Erosion Control Plans Technical Guidance Handbook," by Lori Faku and Rick Raety, dated November 1989, as revised to date.
12. Design of street paving and construction standards shall be approved by the Public Works Department. The stormwater disposal system shall be reviewed and approved by the Public Works Director, including appropriate drywells.
13. Temporary turnarounds shall be provided at the west end of 10th Avenue, the design of which meets the requirements of the Fire Marshall.

14. Street trees shall be planted prior to occupancy of the homes. If the City is requested to plant the trees for the developer, then a tree planting easement shall be provided.

Commissioner Gustafson seconded the motion and it carried unanimously.

MLP 94-02, an application by Oregon Development, Inc. [Tom Kendall] for approval to partition a 39.32 acre parcel into two parcels, approximately 30.07 and 9.85 acres, respectively. The property is located on the north side of S.E. 13th Avenue, east of S. Ivy Street and just east of Valley Farms Subdivision [Tax Lot 2000 of Tax Map 4-1E-3. **Carried over from May 23, 1994.**

Chairman Schrader asked if any Commissioner had ex-parte contact or conflict of interest. None was indicated. He then reviewed the hearing process and procedures and applicable criteria.

Bob Hoffman presented the staff report. He described the property and surrounding areas, using an aerial photograph. He explained that the 10 acre remaining parcel, if the partition and annexation were both granted, would remain under the ownership of the Faist family and would include their present home. This application was stimulated because the Boundary Commission is now interpreting their rules to require a partition where only a portion of a tax lot is being annexed. After communicating with the County, it was found to be more efficient for the City to oversee the partition, as a means of saving time. The annexation and partition were originally started as a simultaneous action, but have since been separated at the applicant's request. As the applicant has requested the two applications be heard separately, staff believes the applicant would not expect the partition to be approved without approval of the annexation. Therefore, staff recommends the Commission condition the partition so as not to be effective until the annexation is effective.

When Redwood was extended from the Trost School to Valley Farms, a small portion of the northwest corner of the subject property was dedicated for the right-of-way on Redwood. At that location, there is water and sewer service available for the site. Clackamas County has requested that, at such time as the property redevelops, that portion of S.E. 13th Avenue become the City's responsibility. Additionally, the County has informed the City that no additional road improvements are needed, with the exception of standard driveway entry permits for the upgrade of the existing entry and one for the

new home on parcel #2. In addition, the County has stated that sufficient right-of-way must be dedicated, as needed, to ultimately construct a full urban street to the same standard Valley Farm's.

The subject site is within the Urban Growth Boundary and is currently used agriculturally. The acknowledged Comprehensive Plan future land use and future zoning for the site is residential. Services are, and would be, available to the site.

Questions have come up about how boundaries are treated between an urban area and agricultural area. Staff believes there are ways, as part of the development process, for insuring that the boundary would be adequately buffered. Mr. Hoffman then reviewed the County's EFU-20 zoning regulations. Although the portion of the site remaining in the County would be less than 20 acres, the County does have an exception, as part of its Code, that where (a change of zoning) caused by an annexation is involved, such smaller parcels are accepted.

At the present time, staff finds that the subject site is a viable agricultural use, although the applicant believes otherwise. Comprehensive Plan goals and some policies are directed toward retaining in use as agricultural land that is found to be economically feasible for farming. The County has asked for widening of the roads, and that the City take over operation and maintenance of that portion of S.E. 13th, but no agreements have been worked out with the City for accomplishing this. As the County has not paved many of the road widths adequately or with the proper thickness, which would burden the City with heavy maintenance costs, Mr. Jordan has been meeting with the County to work out a more equitable method of taking on County responsibilities. Therefore, if this application is approved, staff does not recommend taking on such responsibilities, as there is no appropriate mechanism for doing so at this time. Sidewalks would be required as part of the development, but could be delayed until actual development took place.

The subject property is part of the large area that is considered as benefitting from improvements through the Logging Road Industrial Area. The Advanced Financing reimbursement charge for this parcel would amount to approximately \$50,000. Therefore, economically, the City would benefit from development of this parcel because these fees would help pay for these major public improvements. But there are goals and policies in the Comprehensive Plan that deal with looking at development in such a way as to protect the most viable agricultural land as is economically feasible. In terms of phasing, Mr. Hoffman reviewed the Comprehensive Plan map showing growth priorities and explained which of the Priority "A" and "B" areas have not been

annexed yet, adding that the subject site is part of the Priority "C" area. He further explained that there is a provision which states that if all the criteria is met, then the Commission could take those areas out of order. Adequate public facilities and services are available to the site, including school facilities and services. Staff concludes that it is possible, depending on how the Commission weights the goals, to approve the application, with conditions, especially that the approval be effective only upon approval of the annexation and that additional right-of-way be provided along the frontage of both parcels along S.E. 13th Avenue as dedicated public right-of-way. The applicant's engineer informed staff that the required dedication is too wide, but staff points out that the area to the south of the subject site will not be within the growth boundary so 13th will only be as wide as it is now for many years. Therefore, the 20 feet would be needed right away to get the ultimate width for 13th Avenue. Additionally, staff recommends that 3 acres of land in the northeastern corner of the parcel be reserved for eventual park purposes and an agreement to accomplish that be established prior to the signing of the final plat, and that the dedication would be eligible for Parks SDC credit.

Applicant

George Wilhelm, 546 S.E. Township stated that the process has changed somewhat in the last few years, since a portion of a site could no longer be annexed, without a partition first occurring. The biggest issue appears to be whether or not this property is appropriate for annexation at this time. The applicant believes that the area in question has developed significantly differently than what the Comprehensive Plan envisioned. The Trost School, which was a Priority "C" for annexation was a significant change, as a school was never envisioned for that location. The new school should have a significant influence as to how the area should be prioritized for residential development. With the school, Township Village, and the Valley Farms, the applicant believes this site is ideal for residential development. Mr. Kendall has researched other properties that are available for development in the Urban Growth Boundary and has found that none of those property owners are interested in developing. Mr. Wilhelm requested that the Commission seriously consider the changes and development on the south side of town when deliberating about the Priority "C" and farmland issues.

Tom Kendall, P.O. Box 151, Canby stated that the farmland is exactly the same farmland and soil as Valley Farms which was approved by the Commission. It has created some problems with farm uses nearby in terms of the lack of fences, people stealing from the farm, and children running through the school's gate across the farm. If this is approved, he stated that a condition requiring a fence would help alleviate these types of problems.

Proponents

None

Opposition

None

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

1. The Commission discussed the order of the process, agreeing that the purpose of the proposed minor land partition application was "to facilitate annexation and ultimate development of a subdivision," due to the new policy of the Boundary Commission that partial annexation of a total site can only take place after the site has been partitioned. The Commission agreed that the applicant has failed to submit substantial evidence that the Comprehensive Plan Policy #3 of the Urban Growth Element has been met. Since the primary purpose of the partition is to facilitate annexation, the growth map needs to be followed or the particular findings of Policy #3, Implementation Measure D, be met.
2. The Commission discussed the subject site, and agreed that the subject area is presently being farmed and is shown on the Comprehensive Plan Growth Phasing Map as Priority "C" - the last phase to be developed. With regard to the Comprehensive Plan growth phasing map, the applicant submitted a statement on June 8, 1994, which stated that "The subject property is in Priority C, but I have personally contacted many of the larger parcel owners in Priority A and B, and none of these owners expressed any interest in selling or having their property developed at this time or in the near future. The properties along Redwood Street would require a main water line which would make developing small parcels not economically feasible." The applicant also stated that "In response to the Canby Comprehensive Plan, Finding No. 3, Section D., although the parcel to be annexed is in the area known as Type C, we conclude that this Comprehensive Plan was established before a school and city services were brought to the boundary of the subject parcel. This property is a natural and logical expansion to the existing city limits. A new elementary school is located at the northerly boundary. A new single family residential development is located along the westerly boundary. All City services are available at the boundary

of the parcel." Except for the applicant's statements, the Commission agreed that no substantial evidence was presented and no credible supporting testimony was given to support those statements. Additionally, the Commission agreed that the responsibility of the Comprehensive Plan is to guide the development of the City. Since other viable areas in the Priority "A" and Priority "B" sections are available, the Commission questioned whether the timing was right to annex Priority "C" areas.

3. The Commission discussed the statement that the applicant submitted on June 8, 1994, which stated that "This 40 acre parcel over the past five (5) years has had a declining rate of income and is no longer economically feasible to farm this land. Also, its proximity to the new Trost School and Valley Farms Subdivision has created problems for farming the property." Other than that statement, the Commission agreed that no additional supporting evidence was submitted and no credible supporting testimony was given. The Commission agreed that the applicant failed to submit substantial evidence establishing that the Comprehensive Plan Policy 1-R-A, requiring that Canby direct urban growth such that viable agricultural uses within the Urban Growth Boundary can continue as long as it is economically feasible for them to do so, has been met. The applicant also failed to show this land is not economically feasible to farm any longer.

4. The Commission agreed that the applicant has not submitted substantial evidence that Growth Area "C" property should be annexed ahead of property in Areas "A" and "B". Specifically, the applicant has failed to provide substantial evidence that:
 - a) the annexation is appropriate at this time;
 - b) that, overall, some special public benefit to the City would occur which would otherwise not occur, if the phased growth pattern was followed;
 - c) that the result is no substantial impacts on the planned provision of public facilities and services, and
 - d) that timing for City growth and development is appropriate.

5. The Commission discussed the Canby Visioning Process which lists, as a very high priority, preserving farmland.

Based on the findings and conclusions contained in the staff report dated May 13, 1994, on testimony at the public hearing, and Commission deliberations,

Commissioner Maher moved to deny MLP 94-02 because the property is in Growth Area "C" and is not in conformance with the Comprehensive Plan, and because the applicant has not proven lack of economic viability for farming. Commissioner Wiegand seconded the motion and it carried 5-1, with Commissioner Gustafson voting no.

Chairman Schrader left the meeting at this point, having been called away by an emergency.

DR 94-05 an application by Bruce Broetje for Site and Design Review approval of an industrial building in the Logging Road Industrial Park (Tax Lot 1806 of Tax Map 3-1E-34C).

Chairwoman Mihata asked if any Commissioner had ex-parte contact or conflict of interest. None was indicated. She then reviewed the planning process and procedures and criteria.

Bob Hoffman presented the staff report. He reviewed the background, explaining that the property was partitioned in November of 1993 [MLP 93-05], and the first industrial manufacturing building received Site and Design Review approval in December 1993 [DR 93-08].

The Logging Road Industrial Park improvement project is under construction. The new building will be located at the bend of the new Redwood Street, which will provide access to the proposed development. The proposed internal circulation pattern will be one-way and, in order to facilitate this, the entrances and exits will need to be appropriately marked. The design of the building is basically the same as the existing building. The frontage along Redwood should be planted with 13 Cleveland Norway Maple trees, approximately 50 feet apart, and other shrubs. Ten additional trees are also proposed, and the applicant proposes to retain an existing tree, north of the building. Two rock-lined drywell basins are proposed, which are considered to be landscape features. Since the maximum amount of landscaped area that is non-vegetative is 5%, the drywell basins will have to be no larger than 1200 square feet. Staff is proposing a hedge, similar to boxwood, maintained at a minimum height of 3 feet, to be used as screening around the parking areas. The proposed handicap parking spaces do not meet the width requirement for the access aisles, and one will need to be van accessible, requiring an access aisle of 8 feet. Staff recommends approval, with conditions.

Applicant

Bruce Broetje, 24510 S. Cass Road stated that he preferred shrubs around the offices and parking areas, but that he objects to the hedge because it would offer less security and could invite vandalism and criminal acts. There will be intense shrubbery around the offices, he added. Additionally, Mr. Broetje explained that he had decided to build drywells instead of rock-lined basins. The entryways are 20 feet wide, he stated, and are designated for one-way traffic only.

Proponents

None

Opponents

None

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

1. The Commission discussed the new Sign Ordinance portion which limits installation of a sign for six months after the application is approved, if it was not part of the review. The Commission agreed it should be worded "6 months after occupancy of the property" instead.
2. The Commission discussed the design of the building. It was agreed it was very similar to the recently approved building reviewed and approved in 1993.
3. The Commission discussed landscaping. Although the ordinance is not very specific about the amount of shrubbery, Mr. Hoffman explained that shrubs, beyond a hedge for parking screening, would be preferred. The applicant agreed that shrubbery would be preferred because a hedge could encourage criminals acts and reduce security. The Commission agreed to amend proposed Condition #10 to delete any reference to a hedge and stipulate that shrubs should be planted along the landscape perimeter of the parking areas, along the front of the office area, and on the mound screening area.

4. The Commission discussed the entrance/exit issue as it is proposed in Condition #2. Staff explained that the applicant had proposed one-way directional traffic via entrances and exits, as well as in the paved vehicular maneuvering area.
5. The Commission discussed proposed Condition #9 and agreed that a drywell should replace the rock-lined drywell basin, and that the surface area should be landscaped.

Based on the findings and conclusions contained in the staff report dated June 3, 1994, on testimony at the hearing, and on Commission deliberations, Commissioner Elliot moved for approval of DR 94-05, with the following conditions:

1. Storm water design and construction of the paved area of the property shall be approved by the Canby Public Works Department.
2. The entrances and exits, as well as the paved vehicular maneuvering area, shall be designated for one-way directional travel.
3. The pavement of the loading areas shall be striped to designate loading areas.
4. Curbs or wheel stops shall be placed between the parking/vehicle maneuvering areas and the landscaped areas.
5. The handicapped parking spaces shall be striped and constructed to meet the State of Oregon Structural Specialty Code. At least one handicapped parking space shall be "van-accessible."
6. The easternmost handicapped parking space shall be a minimum of 15 feet wide, including the access aisle, to be designated as a handicapped parking space.
7. No signs shall be permitted to a minimum of six (6) months from the occupancy of this property.
8. "Cleveland Select II" Norway Maple trees shall be planted along S Redwood Street. A minimum of 13 trees shall be planted. The trees shall be planted with a minimum spacing of 40 feet on center, and a maximum spacing of 60 feet on center.

9. A drywell shall replace the rock-lined basin and the surface area shall be landscaped.
10. Shrubs shall be planted along the landscape perimeter of the parking areas, along the front of the office area, and on the mound screening area.

The motion was seconded by Commissioner Gustafson and approved unanimously.

VIII. DIRECTOR'S REPORT

Mr. Hoffman reported that for the first half of the month, 48 units have been approved for building permits, 28 of which are multiple dwellings. Mr. Hoffman also reported on his trail walk down by Village on the Lochs. He commended the public works crew on the great job they did, especially after running into a big drainage problem. He also explained that agreements are in place from Elmwood Mobile Home Park to dedicate land along from the end of the trail to the Ellickson's parcel, and the Ellickson's have also agreed to dedicate land. Such dedications will make the connection all the way through to Elm.

IX. ADJOURNMENT

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

Respectfully submitted,

Joyce A. Faltus

FYI re street trees
Church of Christ

church of Christ, Canby
P.O. Box 1035
Canby, OR 97013
266-2550

City Of Canby:

Ref: DR 93-06/CUP 93-03 for the church of Christ, Canby.

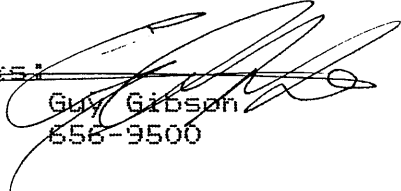
On Page 5 of the Findings, Conclusions & Order, Order # 3 says, "Street trees shall be replaced and replanted to meet the requirements of the street tree ordinance. The four maple trees on N. W. 4th Avenue may be saved, with the concurrence of urban arborist.

An Urban Arborist, William Owen, was commissioned to work up a report on the four maple trees. His conclusions were written in a report, copies of which were given to Bob Hoffman and Roy Hester. Acknowledged is that while the trees could be saved, the money and effort to surgically save the trees is not even close to feasible.

Our determination, backed by Roy Hester, is to remove the trees and replace them per the requirements of the street tree ordinance. Our current plans will have them dropped Friday July 1 and cleaned up Saturday July 2.

If there is any thing that we need to do prior to removing the trees please let us know.

thanks:


Guy Gibson
556-9500

RECEIVED

JUN 30 1994

CITY OF CANBY

WILLIAM L. OWEN and ASSOCIATES

Tree and Landscape Consulting Services

P.O. BOX 641, PORTLAND, OREGON 97207 503/222-7007 503/656-7057



November 24, 1993

Canby Church of Christ
ATTN: Mr. Guy Gibson
12369 S. New Era Rd.
Oregon City, OR 97045

RE: Canby Report
Maple trees located on church property/possible construction impact, etc.

Dear Mr. Gibson:

I have today inspected the subject trees and can make the following report regarding the feasibility of preservation of the trees in light of the building plot plan provided to me:

Tree #1: 27.00 inch DBH Bigleaf Maple (*Acer macrophyllum*).

A reasonably decent specimen with one flaw in the base of the stem running approximately 3 feet up to 7 feet on the northwest face. The decay pocket inside the stem is somewhat invasive but a strong "Ram's horn" callus has formed. The tree appears to have sound holding wood around the decay and while somewhat unsightly, the decay pocket could be well contained within the stem. Increment boring taken during the pruning process will reveal the amount of holding wood present.

The crown is reasonably well formed and with some structural support work and professional pruning, the tree could be retained, if enough holding wood is present in the stem around the injury area.

The tree is close to the curb and is cracking the curb immediately on the west. While this presents problems with the street and curb, arboriculturally, the tree will survive and continue to grow in that position for many years to come. If the curb and street must be repaired, the tree would tolerate such repair depending upon how it would have to be done.



INSPECTION, DIAGNOSIS AND EVALUATION OF TREES, SHRUBS AND RELATED PLANTINGS.
CONSULTATION WITH RESPECT TO PLANTING, TRANSPLANTING, PRESERVATION, MAINTENANCE AND
ARBOREAL PLANNING. COMPREHENSIVE LOSS OR DAMAGE REPORTS. DULY SANCTIONED APPRAISALS
FOR LEGAL OR CONTRACTUAL PURPOSES. LEGALLY ACCEPTABLE TESTIMONY IN COURT CASES.

From the historical and aesthetic perspective, it is usually preferable to preserve these kinds of trees, all things considered.

Tree #2: 21.00 inch DBH Bigleaf Maple (*Acer macrophyllum*).

The smallest of the four subject trees. The scaffold flare from the main stem occurs relatively low at about 7 feet. A major double-stem flare goes to the east with the remaining scaffold moving to the west.

Somewhat lower crown configuration than Tree #1 but complimentary, nevertheless. With some support cabling and professional pruning, a specimen worth preserving.

This tree presents less a problem to the curb and street because it is slightly smaller. However, in time the root/crown confluence growth will present problems, as with the other trees in this grouping. Yet the tree will withstand whatever is necessary to keep the street and curb in decent repair. Arboriculturally and aesthetically, this is a specimen worth retaining.

Tree #3: 32.00 inch DBH (adjusted for flare) Bigleaf Maple (*Acer macrophyllum*).

This particular specimen has a major double-stem orientation at approximately 8 feet above the ground. There is a semi-co-dominancy at that point, with scaffold flare moving in two stems to the east and one to the west. This is a typical growth configuration for the species.

There is some deadwood but nothing indicating serious disease or decay. This tree has a crown configuration similar to Tree #2. It would need substantial support cabling and professional pruning. While not an ideally shaped specimen in the lower stem/crown configuration, this tree still makes a significant historical/aesthetic complement to the property.

There is disruption of the curb and street from this tree at the present time. However, it would withstand necessary repairs as with Trees #1 and #2. Again, as with Trees #1 and #2, this is a specimen worth preserving particularly because of the historical/aesthetic complement it makes to the property.

Tree #4: 31.00 inch DBH Bigleaf Maple (*Acer macrophyllum*).

A tree with a crown/scaffold configuration splitting out at approximately 8 feet, as with Tree #3, with a major scaffold branch moving northeast and a split-stem scaffold branch configuration moving southwest. A third double scaffold branch erupts straight up and moves to the west in one of the branches.

This tree would require some specific support cabling work and professional pruning but should respond well to such work done by professionals. It can be preserved. There is some storm breakage in one major scaffold branch to the north but this can be repaired. A major branch scar from storm breakage occurs on the east face of the south scaffold branch, all subject to repair.

Tree #4 has the heaviest disruption of curb and street.

Based on the plot plan you provided me today showing the proposed landscape plan, parking lot, etc., I believe the sidewalk placement as shown is workable, but, depending upon the final drawings from the engineers showing necessary cuts, fills and spacing, and true location of building and parking lot edges, the sidewalk may have to be moved farther into the property to allow more clearance for the trees.

Likewise, once the construction drawings are set, it would now appear that aeration system work will have to be done on the property side of the trees to avoid excessive fill over the absorbing root systems on the building side. This work can be specified by me at such time as drawings from the engineers and architects are available. In addition, the driveway entry as shown moves between Trees #3 and #4. Depending upon spacing between those two

Letter to Mr. Guy Gibson
November 24, 1993

Page 4 of 4

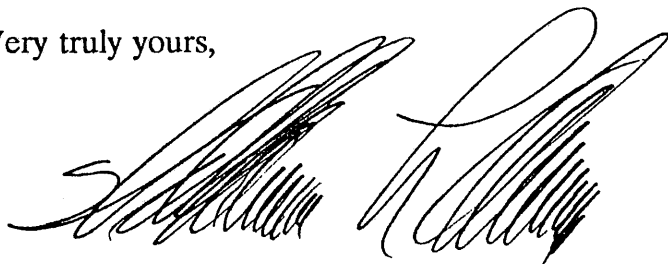
trees and the cut and/or fill necessary, certain root repair therapies will probably be indicated and can only be prescribed after I have seen the finished drawings and engineering work-for the site grade from the street into the building site itself. It appears workable in terms of spacing to have a driveway at that point.

The necessary pruning and repair work mentioned in this report should be done by licensed, Certified Arborists under the direction of the Consulting Arborist to work specifications which he develops. It should be pointed out that during the course of the arboricultural repair, support cabling and diagnostic work, evidence may be found that a tree is not as viable as it appears to the eye at this time. A decision may be made then to remove such tree for cause. If that would occur I would recommend such removal in writing. Even though they are not perfect specimens, the historical/aesthetic/cultural complement these trees make to the site is strong argument for retention if reasonably possible.

It is my understanding from you that as the building plans progress, I will be involved in the manner prescribed above so as to provide input through completion of the project to give the trees every chance to be preserved.

I believe the above is sufficient for your preliminary needs to this point in the project. Please let me know if you need additional information to supplement this preliminary report. Thank you very much.

Very truly yours,

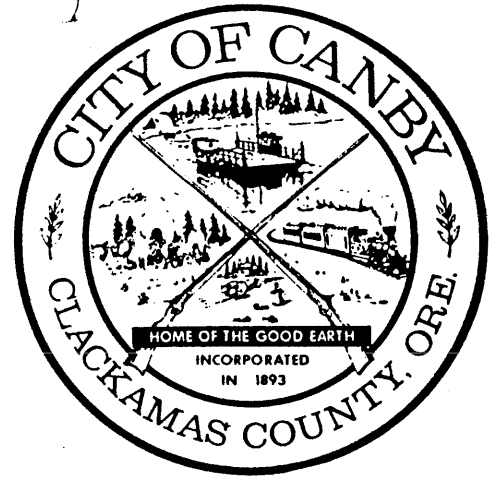
A handwritten signature in black ink, appearing to read 'William L. Owen', written in a cursive style.

William L. Owen, B.S., M.A., C.A.
American Society of Consulting Arborists

WLO:ps

October 26, 1993

Church of Christ
27224 S. Dave Road
Canby, OR 97013



RE: Findings, Conclusions and Order No.

MLP 93-04
DR 93-06/CUP 93-03

The enclosed Findings, Conclusions and Order represents the decision of the Canby Planning Commission regarding the above referenced application. This Order is the official action of the Planning Commission.

According to Section 16.88.140 of the Canby Municipal Code, this decision may be appealed to the Canby City Council within fifteen (15) days after the Order has been signed. To do so, you must file written notice to appeal with the City Planner. If no appeal is taken within the specified period, and if no appeal is initiated by action of the Council, the decision of the Commission shall be final. The written notice of appeal shall clearly state the nature of the decision being appealed and the reasons why the appellant is aggrieved. A \$400 fee must be enclosed with your written notice. In any case where the preparation (copying, duplication, tapes, etc.) of the record of the Planning Commission results in costs to the City beyond the \$400 filing fee, the City may invoice the appellant and may establish a deadline by which such amount is to be paid. Failure to pay the required amount shall cause the appeal to be denied.

If you have any further questions or concerns, please do not hesitate to contact this office.

Sincerely,

Joyce A. Faltus

Joyce A. Faltus
Planning

cc: Jerry Earnhart
Jim Gibson
Guy Gibson
Darlene Key

**BEFORE THE PLANNING COMMISSION
OF THE
CITY OF CANBY**

A REQUEST FOR SITE AND DESIGN AND CONDITIONAL USE APPROVAL FOR A NEW CHURCH STRUCTURE)	FINDINGS, CONCLUSIONS & ORDER
)	DR 93-06/CUP 93-03
)	(Church of Christ)

NATURE OF APPLICATION

The applicant is requesting approval of a Site and Design Review Application and a Conditional Use application for a new church structure. Landscaping and parking is to be provided. Seating capacity is 120 persons. The site is located on the southwest corner of N.W. 4th Avenue and N. Elm Street (Tax Lot 101 of Tax Map 3-1E-33CC).

HEARINGS

The Planning Commission held a public hearing and considered this application at its meeting of October 11, 1993.

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 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.
2. The Board shall, in making its determination of compliance with the above requirements, be guided by the objectives and standards set forth in this section. If the Site and Design Review Plan includes utility facilities or public utility facility, then the City Planner shall determine whether those aspects of the proposed plan comply with applicable standards.
 3. The 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 requirement 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.

In judging whether or not a **conditional use permit** 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.

- A. The proposal will be consistent with the policies of the Comprehensive Plan and the requirements of this title and other applicable policies of the City.
- B. The characteristics of the site are suitable for the proposed use considering size, shape, design, location, topography, existence of improvements, and natural features.
- C. All required public facilities and services exist to adequately meet the needs of the proposed development.
- D. The proposed use will not alter the character of the surrounding areas in a manner which substantially limits or precludes the use of surrounding properties for the uses listed as permitted in the zone.

CONCLUSION

The Planning Commission concludes that DR 93-06/CUP 93-03 can be made to comply with all applicable criteria by the application of certain conditions.

FINDINGS AND REASONS

The Planning Commission deliberated on all testimony presented at the October 11, 1993 public hearing, and incorporates the October 1, 1993 staff report, testimony at the public hearing, and Commission deliberations as support for its decision, supplemented by the following:

1. The request for comments received from the Public Works supervisor, Roy Hester, with regard to his concern about the trees on the site. The Commission discussed options to removing the street trees. Mr. Hoffman explained that trees along 4th Avenue have lost limbs recently, and that he is not sure they can be saved. Additionally, they have caused curb damage due to their root structure. The applicant explained that, from the start, he proposed to save them. The Commission recommended retaining the trees if possible

2. The landscaping was discussed. Mr. Hoffman reiterated that the applicant has exceeded the parking requirements by two spaces and could, if required, landscape those spaces instead. But the applicant has exceeded the landscaping requirements in his proposal.
3. The Commission discussed whether bonding should be required for landscaping. Mr. Hoffman explained that bonding is usually required if the applicant does not want to install the landscaping prior to occupancy.
4. The Commission addressed its concern about the parking spaces directly adjacent to Pioneer Chapel as it relates to the lack of buffering from the adjacent neighbor. The applicant agreed to work with Mrs. Key toward a mutual decision concerning the landscaping on the south side of the building and pointed out that the church is amenable to having the Chapel use their parking area when it is not in use. Staff pointed out that if a tree was planted on the south side of the building, as proposed, between the three parking spaces which are located between the alley and the building, it would probably not survive since the space is too tight.

Mrs. Key explained she was concerned about the tree that already exists on the southeast portion of the parcel where three parking spaces are proposed. The Commission agreed that the proximity of the tree to the building would, most likely, cause its demise during construction.

5. The Commission agreed to add a condition that the applicant could work with an urban arborist to determine which, if any, of the trees on N. Elm and N.W. 4th would be retained. Therefore, proposed Condition #3 would be amended to read: "Street trees shall be replaced and replanted to meet the requirements of the Street Tree Ordinance. The four maple trees on N. W. 4th Avenue may be saved, with the concurrence of an urban arborist." It was agreed that the Locust trees on N. Elm should be removed, as they are not really street trees.

ORDER

IT IS ORDERED BY THE PLANNING COMMISSION of the City of Canby that DR 93-06/CUP 93-03 is approved with the following conditions:

1. The final landscape and site plan shall be reviewed and approved by the City Planner for consistency with this approval and conditions and ordinance requirements.
2. Sidewalks and alley paving and curb repair shall be provided by the applicant.
3. Street trees shall be replaced and replanted to meet the requirements of the street tree ordinance. The four maple trees on N. W. 4th Avenue may be saved, with the concurrence of urban arborist. | *
4. Light poles shall be relocated and two more street lights provided, one at the entrance and one at the alley.

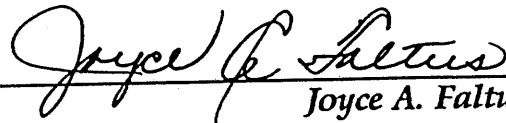
Note: The applicant is requested to work with the adjacent property owners regarding the final landscaping plan, to ensure compatible relationships.

I CERTIFY THAT THIS ORDER was presented to and APPROVED by the Planning Commission of the City of Canby.

DATED this 25th day of October, 1993.



**Kurt Schrader, Chairman
Canby Planning Commission**



**Joyce A. Faltus
Secretary**

ATTEST:

ORAL DECISION - October 11, 1993

AYES: Mihata, Maher, Fenske, Elliot

NOES: Schrader

ABSTAIN: None

ABSENT: Gustafson, Wiegand

WRITTEN DECISION - October 25, 1993

AYES: Mihata, Maher, Fenske, Gustafson

NOES: None

ABSTAIN: Wiegand

ABSENT: Schrader, Elliot

PLEASE RETURN ATTACHMENTS!!!

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

DATE: September 21, 1993

TO: FIRE, POLICE, CUB, TOM PIERSON, TODD SCHMIT, GARY HYATT, ROY

The City has received MLP 93-04/CUP 93-03/DR 93-06, applications by the Church of Christ for approval to partition 21,875 square feet of Tax Lot 101 of Tax Map 3-1E-33CC and to build a single-story meeting facility to accommodate assemblies and classes for various age groups. Parking and landscaping requirements would be met. The site is located at the southwest corner of N.W. 4th Avenue and N. Elm Street *Tax Lot 101 of Tax Map 3-1E-33CC).

We would appreciate your reviewing the enclosed application and returning your comments by September 28, 1993 PLEASE. The Planning Commission plans to consider this application on October 11, 1993. Please indicate any conditions of approval you may wish the Commission to consider if they approve the application. Thank you.

Comments or Proposed Conditions:

The 2 Locust Trees on N. Elm - HAZARD Remove
The 4 Maple Trees on N.W. 4th Remove - Damage occurring
to street & curb. The City will PLANT a recommended
street trees in PLANTING STRIP upon completion of project.
The Alley needs Asphalt Improvement, Street Light
POLE needs to be RELOCATED. The Sewer Main is in
Alley. 2 more Street Lights would be needed at - 1 AT
Entrance AND 1 at ALLEY.

- Adequate Public Services (of your agency) are available
- Adequate Public Services will become available through the development
- Conditions are needed, as indicated
- Adequate public services are not available and will not become available

Signature: Ray L. Hester

Date: Sept 24, 1993

MEMO

TO: *Planning Commission*

FROM: *Bob Hoffman, Planning Director*

RE: *MLP 94-04 - Melvin L. Dorson*

DATE: *July 15, 1994*

The survey work on the lot is now complete. The fence along the east side of the property has been constructed along the property line. There is more than the required 67 feet between that line and the house. Mr. Dorson has agreed to remove the additions on the existing house, so that at least 10 feet will be available for the westerly side yard. Therefore, only 7 feet side yard is required for a east yard and 60 foot lot width is available totalling 67 feet.

The Minor Land Partition is now able to be acted upon with the following new condition:

9. Prior to signing of the Final Partition Plat, the City Planner shall determine that the existing house on the site has been modified in such a way so as to provide a minimum of a 10 foot westerly side yard.

MELVIN L PARSON
784 NW 3RD CANBY

