

CANBY PLANNING COMMISSION MINUTES

Regular Meeting

October 8, 1990

7:30 p.m.

APPROVED

I. ROLL CALL

Present: Chairman Schrader, Commissioners Mihata, Bear, Zieg, Westcott and Fenske.

Others present: Rusty Klem, Director of Public Works; Bob Hoffman, Interim Planner; Joyce Faltus, Secretary; Dan Larson, Pauline Vigus, Kitty Losch and Michael Vigus.

II. MINUTES

The minutes of **September 24, 1990** were **approved** unanimously.

III. COMMUNICATIONS

None

IV. UNFINISHED BUSINESS

None

V. BUSINESS FROM THE AUDIENCE

None

VI. PUBLIC HEARINGS

CUP 90-04, a request by Canby Care Center (Daniel J. Larson) for approval to construct a 60-bed long-term care facility and a 50-unit assisted living facility on a ten acre parcel located in the southeast corner of N. Redwood and Territorial Road (Tax Lots 700 and 900 of Tax Map 3-1E-37C).

Chairman Schrader asked for any ex-parte contact or conflict of interest. None was expressed. He then explained that the Commission received written rebuttal from the applicant and responses to it from interested parties.

Rusty Klem explained that he reviewed the concerns expressed by the Commission and by proponents and recommended additional conditions of approval based on those concerns.

During a discussion regarding the public facilities portion of the applicable criteria, Mr. Klem explained that the applicant met with CUB about the extension of the water line. He explained that there is a water line in Territorial, from Maple almost to Redwood, and that CUB chose to extend that water line as a facilities expense because future development is planned in the area. They will upsize it (12") to the fire hydrant on Redwood, and the applicant would pick up costs from there. Discussions regarding the loops and the on-site improvements will take place during preconstruction conferences. With regard to storm water, Mr. Klem explained that storm drains will be handled on-site by a drywell and that during the preconstruction conference, the City will locate the drywell. The catch basin can be placed closer to the pond due to the slope of the property, with lines running to the drywells. The facility building will drain by gravity directly into the sewer. When the remainder of the Oliver property (33 acres) is developed, a lift station will probably be required because much of it will not gravity-drain to Redwood.

The Commission agreed the site is suitable for development of a care center, considering the size, shape, design, location, topography and natural features. It has been successfully designed to meet not only the City criteria, but federal criteria also. The Commission discussed the close proximity to the easement as it regards the adjacent neighbors. They agreed the topography does not allow for moving the building too much to the north.

After a Commission discussion regarding the 100- and 500-year floodplains, **Mr. Dan Larson** explained there was a contradiction in the evidence. The intention is to build the finished floor one foot above the 500-year floodplain, which is 95.5 feet. He further stated that the corner of the building is 35 feet away from the property line closest to the adjacent neighbors. Moving the building to the north would cause hardship due to the amount of fill that would become necessary. Because of the way Redwood is built, ramps and steep driveways would become necessary to access the building, which is not very safe for the elderly.

The Commission discussed the concerns of the adjacent neighbors with regard to a fence and additional buffering along the southerly property line. The Commission agreed that applicant's proposed condition #2 covered this concern, with the addition of the words "as determined at the Design Review level" added at the end.

With regard to the wetlands, the Commission agreed a maintenance plan should be submitted from the applicant, to be approved by the Director of Public Works.

During a discussion about possible public access to the open space, the Commission agreed it should remain privately owned and controlled open space for the benefit of facility residents and their visitors.

The Commission agreed some of Criteria D has been addressed with suggested conditions relating to open space and buffering, but that access and traffic issues must still be addressed. The Commission agreed the applicant should discuss two important issues: whether or not to pave the easement road or chain it off to discourage use, and the Territorial access as a major access to be included in Phase I. Staff suggested that, possibly, rather than paving the easement the full length of the property to the south, it could be cut off where it veers into the facility and a "Private Property" sign could be posted. In response to a question from the Commission, staff explained improvements to Redwood should be included in Phase I.

Applicant

Dan Larson stated that traffic circulation is a major concern. The easement part of the property, which is a 15' egress and ingress easement, is shared with the adjoining property owners. Mr. Larson explained that he planned for it to impact the adjoining property owners in the most minimal

respect. He agreed with staff that limiting the pavement and providing signage was a good solution to restricting traffic. Hammerheads or turnarounds in the service areas are other options, he suggested. As to Territorial, Mr. Larson said he prefers the improvements (sidewalk and widening of the street) **not** be a part of Phase I, as he would rather address the traffic flow with the planned accesses.

Regarding the fifteen additional conditions of approval, Mr. Larson said he agrees with most, but not all, of them. For instance, the north side of the building will not be served by the emergency generator. Screening and buffering would be a better solution as it is used only under emergency conditions. Mr. Larson also requested an additional one year extension on the Conditional Use Permit. He added that he would prefer delivery vehicles access the site via the easement rather than Territorial.

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

Issues discussed:

- With regard to the emergency generator, the Commission agreed that since it is used under emergency circumstances, staff's suggested condition #12 could be deleted. It could be added to condition #18 to read:
 18. Garbage storage areas, HVAC and emergency generator equipment shall be screened or muffled to minimize noise and/or visual impacts.

- With regard to improvements suggested on both Redwood and Territorial, the Commission agreed improvements to Territorial could be delayed until Phase II. In consideration of the adjacent owners' concerns, traffic would be routed to Territorial via an access leading there and thereby encourage traffic to enter and exit from Territorial rather than Redwood, but improvements to Territorial itself, would not be required in Phase I. Condition #11 would be amended to read:
 11. Improvements to Redwood are necessary and include curbs, sidewalks and panel improvements from the existing

pavement to the new curbs. The work must meet the approval of the Director of Public Works.

- The Commission agreed to amend staff's suggested condition #14 to read:

14. The "lane" or easement on the south side must be screened on both sides from visual intrusion and noise intrusion. The lane shall be paved to the southeast corner of the Phase I development and a sign indicating "private residences" be placed at the Redwood Street entrance. Also, the applicant shall provide a 6-0 foot fence along the southerly property line, giving due consideration for access to neighborhood driveways. The materials shall be either wood or masonry or a combination of both, as determined at the design review level.

- Condition #16 shall be amended to read:

16. The wetlands shall remain as open space. Approval of the City Forester shall be obtained prior to removing any trees over 6-inches in diameter, to help preserve the wetlands as wildlife habitat. The applicant shall submit a landscape plan, grading plan and maintenance plan, required for design review, to the satisfaction of the Director of Public Works.

- Condition #19 shall be amended to read:

19. The Conditional Use Permit shall remain in effect for two years from the date the order is signed.

- Condition # 21 shall be amended to read:

21. The preferred patient transport, service vehicle and employee access shall extend from Territorial, not from the access easement, and shall be further addressed during design review.

- The Commission agreed the east edge of the pond area toward the access and the existing facility should be included in Phase I. A map delineating what is included in Phase I shall be attached to the Findings, Conclusions and Order for this application.

- The Commission agreed the easement would remain at 24 feet.

Commissioner Bear moved for approval of CUP 90-04 (Canby Care Center) based on the findings in the September 27, 1990 staff report, Commission deliberations and testimony from the applicant, proponents and opponents, with the conditions suggested by staff in the October 5, 1990 memo to the Planning Commission, including those amended, modified and added, as above. Commissioner Westcott seconded the motion and it carried unanimously.

MLP 90-10, a request by Pauline Vigus for approval to divide an 0.88 acre lot into two lots. The property is located at 551 S. Holly Street (Tax Lot 9100 of Tax Map 4-1E-4AB).

Chairman Schrader asked for any ex-parte communication or conflict of interest. None was indicated.

Robert Hoffman, Interim Planner, presented the staff report. He explained that Ms. Vigus is requesting approval in order to divide the property and allow her son to build a home on the rear portion. When the original lot (38,000 square feet) is divided, each lot would far exceed the requirements of the R-1 zone. He explained that the sewer in S. Holly is 4.5 feet deep, and the one in S.W. Fifth Place is three feet deep. The existing house is connected to the line in S.W. 6th. The proposed lot is not adjacent to an existing sewer line and, if the application is approved, it must be connected. Extending the seven foot deep line in S.W. Sixth appears to be the shortest and easiest route to accomplish this, but it would have to be extended the length of the property. The lots across S. Holly can share in the costs. If the line is extended, staff would like to approve the plans prior to construction. Mr. Hoffman reviewed the applicable criteria, policies and ordinances. Staff believes the proposal meets the requirements and can be approved with conditions, as suggested in the staff report.

Applicant

Michael Vigus asked for clarification of the sewer discussion and exactly where the lines are. After considering the information, Mr. Vigus asked what the relative costs are. Staff explained it would depend on which alternate he selected, after exploring the costs of both. Mr. Hoffman reiterated that staff believes extending the seven foot deep line in S.W. Sixth appears to be the shortest and easiest route to accomplish this.

With no additional testimony the public portion of the hearing was closed for Commission deliberation.

Issues discussed:

1. The Commission discussed the sewer connection to the new lot and agreed all required public facilities and services are available to meet the needs of the new lot.
2. The Commission agreed the application conforms with the text and applicable maps of the Comprehensive Plan and all other requirements of the land development and planning ordinance.
3. The Commission agreed the overall design and arrangements of parcels is functional and will adequately provide building sites, utility easements and access facilities without hindering the use or development of adjacent properties.
4. The application meets the intentions of Residential Lands Policy No. 2, to encourage a gradual increase in housing density, which is implemented by allowing a variety of lot sizes within residential zones, with the overall average equaling the minimum square footage requirement.

Commissioner Westcott moved for approval of MLP 90-10 based on the findings and conclusions in the September 27, 1990 staff report and on Commission deliberations, with staff's recommended conditions.

Commissioner Fenske seconded the motion and it carried unanimously. Conditions shall read as follows:

1. **The applicant shall prepare a final partition map. The final partition map shall be a surveyed plat map meeting all of the specifications required by the Clackamas County Surveyor. Said partition map shall be recorded with the Clackamas County Surveyor and Clackamas County Clerk and shall reference this land use application - City of Canby, File No. MLP 90-10. A copy of the recorded map shall be provided to the Canby Planning Department.**
2. **A new deed and legal description for the new lots shall be prepared and recorded with the Clackamas County Clerk. A copy of the new deeds shall be provided to the Canby Planning Department.**

3. **Easements 12 feet in width shall be dedicated around both parcels, and 6 feet in width from each parcel adjacent to the line dividing the two lots.**
4. **Plans to extend the sewer shall be approved for construction by the Director of Public Works, prior to the issuance of a building permit on the site.**
5. **All monumentation and recording fees shall be borne by the applicant.**
6. **All utilities must meet the standards and criteria of the providing utility authority.**

CUP 90-07, a request by First Baptist Church for approval to build a concrete slab for a basketball court, to eventually be enclosed. The site is located at 1905 N. Maple (Tax Lots 100, 300, 400, 501, 600 and 700 of Tax Map 3-1E-28DC).

Chairman Schrader asked for any ex-parte contact or conflict of interest. None was expressed.

Robert Hoffman presented the staff report, explaining that the proposal is to build a basketball court on the rear portion of the property. He stated that the site is located within a residential area, adjacent to agricultural uses. The seven adjacent single family homes could be protected from any adverse effects by distance or other forms of buffering, as the proposed design is to construct the court fifteen feet from the property line. Under the proposal, the possibility exists that residential living space on adjacent lots could be 30 feet from an active basketball court. Staff is concerned about the location of the court relative to the adjacent residential homes, and finds some form of sound barrier would be desirable to screen the potential noise from adjacent lots. Mr. Hoffman explained that he field-tested this phenomenon and determined that a total distance of only 30 feet from residential building areas is not sufficient. When the playing space is enclosed, it will aid in further limiting the game noise, he added. With regard to parking requirements, Mr. Hoffman stated that requirements up to this point have been met. The court, as it is not part of a gymnasium, does not require additional parking space because, most likely, the same people who have already been served by the church and school parking will be using the basketball court. Provided that the times

of use do not overlap, no additional parking spaces will be required. Other than the potential noise and vibration, the application meets the intent of the Comprehensive Plan and Municipal Code and, if approved with conditions, could meet the requirements of the conditional use approval criteria. Therefore, staff recommends that CUP 90-07 be approved, with the suggested staff conditions.

Applicant

Lee Wiegand, 613 N. Holly, stated that they preferred the court be in line with the other building because it would eventually be connected. As they checked the setback recently, he added that he believes the court is set back 25 feet from the property line. The court is estimated to be used during school hours and non-church hours, for the most part. Therefore, parking would take place in the existing spaces. It is planned to be open to the public, who also uses the soccer field. Mr. Wiegand stated that he agrees with conditions 1, 3 and 4 and would prefer the setback at 25 feet. At this point in time, there has been no need to control use of their facilities, such as adjusting the baskets for non-use. As the soccer field has no lighting, use has been limited to daylight hours. The same would be true for the basketball court until it is enclosed.

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

Issues discussed:

1. The Commission discussed the fact that the adjacent parcels were properly noticed and did write or offer testimony in opposition.

Mr. Wiegand stated that most of the adjacent residents are church members.
2. The Commission discussed Mr. Hoffman's field test.
3. The Commission discussed the setback and agreed that 25 feet was sufficient.

Commissioner Zieg moved for approval of CUP 90-07 based on the findings and conclusions in the September 27, 1990 staff report, Commission deliberations, and testimony by the applicant, with conditions suggested by staff. Commissioner Mihata seconded the motion and it carried, with the following conditions:

1. The applicant shall provide proof, in an affidavit, that the court will be used by the same people who are currently served by the parking areas, or that the court is used during different hours than other site activities, or an additional five parking spaces shall be provided on the site.
2. A minimum setback of 25 feet from the property line shall be provided.
3. No lighting shall be provided for court use and the court shall not be used beyond daylight hours, until enclosed.
4. Prior to the issuance of a building permit, compliance with the above conditions shall be determined by the Planning Director.

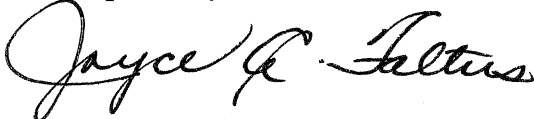
VII. FINDINGS

None

VIII. ADJOURNMENT

With no further business before the Commission, the meeting was adjourned at 10:20 p.m.

Respectfully submitted,



Joyce A. Faltus