

APPROVED

CANBY PLANNING COMMISSION

Regular Meeting

December 9, 1991

7:30 p.m.

I. ROLL CALL

Present: Chairman Schrader, Commissioners Mihata, Fenske, Wiegand and Zieg.

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

Others Present: Gerry Brown, Alison Patterson, J. Min Luey, Pat Watson, Carl R. Stuart, Dawn Smith, Tracy Smith, Cam Sivesind, Cyndi Klaetsch, Randy Sajovic, Charles Blackwell, Alice Merrill, Ken Patterson.

II. MINUTES

The minutes of **October 28, 1991** were unanimously approved.

III. CITIZEN INPUT ON NON-AGENDA ITEMS

IV. COMMUNICATIONS

None

V. FINDINGS

Commissioner Fenske moved for approval of DR 91-07/CUP 91-07 (Canby Alliance Church). Commissioner Mihata seconded the motion and it carried unanimously, with Commissioners Zieg and Wiegand abstaining.

VI. OLD BUSINESS

None

VII. PUBLIC HEARINGS

MLP 91-09 - a request by Carl R. Stuart for approval of a minor land partition to partition a 25,560 square foot parcel into two parcels. The parcel with the existing home would measure approximately 16,000 square feet, and the new parcel would measure approximately 9,500 square feet. The property is located at 1320 N. Holly (Tax Lot 201 of Tax Map 3-1E-33BA).

Chairman Schrader asked if any Commissioner had ex-parte contact or conflict of interest. Dr. Schrader stated he visited the Blackwell residence, but did not discuss this issue at all.

Chairman Schrader then reviewed the hearing procedures for the benefit of those in attendance.

Mr. Hoffman presented the staff report. He reviewed the applicable criteria, explaining that the flag lot criteria would only be applicable if the newly created parcel was a flag lot. The property consists of approximately .59 acres, with 142 lineal feet of frontage along N. Holly and 30 feet of frontage on N.E. 13th Avenue. The applicant proposes to divide the parcel into two parcels of approximately 16,000 square feet and 9,500 square feet, respectively. The entire area is zoned R-1, Low Density Residential. Currently, a single family house exists on the property, but there is room for adequate yards if the minor partition is granted, provided that required easements and access drives can be provided. The applicant proposes that access to the new lot be from 13th Avenue. The police and fire departments have no problems with the new lot accessing off 13th Avenue, nor does staff, as there are only six homes on 13th, while Holly is very heavily traveled. There are sewer lines in both Holly and 13th Avenue, which are approximately 3-1/2 to 4 feet deep, and the City would prefer that the line in 13th be used to serve the lot. A sewer has been constructed to service 1320 Holly. The previously used septic tank was cleaned, drained and filled with sand. The well on the site will eventually be capped. As a standard condition of approval, the applicant would be required to provide any necessary easements for utilities. Staff recommends approval of the application, with access from 13th Avenue, with conditions. Mr. Hoffman then reviewed the proposed conditions of approval, amending #3, to remove the words curb and widened street, to now read: The developer shall provide a waiver of remonstrance against the establishment of an L.I.D. for any needed street improvements. Mr. Hoffman proposed adding a condition #10 regarding the capping of the well: 10. The well

shall be capped by a licensed well expert and such treatment approved by Clackamas County.

A short discussion was held about the well, and whether it should be a requirement that it be capped or if the owner could use the well water for irrigation purposes. Mr. Hoffman explained that the well was situated where a house would be built.

Applicant

Carl R. Stuart, 11624 N.E. 64th Avenue, Vancouver, WA 98686, stated that he concurs with the staff report. The preferred access to Lot #2 would be from 13th Avenue. He added that he does plan to cap the well. Building a sidewalk on Holly would not be consistent with adjacent properties, as there are no sidewalks on Holly in the area of 1320 N. Holly.

Proponents

Randy Sajovic, 1260 N. Holly, stated that he lives immediately south of the subject parcel and has no objections to the proposal because it will only add one additional lot.

Opponents

Charles Blackwell, 160 N.W. 13th Avenue, explained that N.W. 13th Avenue is not a full turnaround. He referred to a larger map of N.W. 13th, pointing out that the radius of the cul-de-sac is only 85 feet, not a full 100 feet. Additionally, Mr. Blackwell referred to City Council's findings, which he submitted into the record. He pointed out that on page 4, item b., Council found that there will be potential conflicts between traffic on adjacent driveways and access to the cul-de-sac. Mr. Blackwell explained that his biggest concern in the access onto 13th Avenue. With regard to the well, he pointed out that the plan submitted, Mr. Stuart does not show the well or forestation. He submitted, for the record, Oregon Administrative Rules regarding well construction and maintenance, with regard to abandonment also. He questioned the septic system being filled and Mr. Hoffman explained that Mr. Stuart informed him a City staff person was present when the system was pumped and filled. Mr. Blackwell asked that it be stipulated that any future building or clearing of land that takes place on the site, should take into consideration any trees that presently exist as there is significant vegetation. Mr. Blackwell also asked that it be made clear that there is no thru street from Holly to 13th on this lot even after it is partitioned.

Dawn Smith, 1255 N. Ivy, stated that access onto the new lot from 13th Avenue is not safe. She said that although there are only 6 houses on the cul-de-sac, there are 16 children living in those 6 houses. Access should only be from Holly Street due to the safety issue and thru-access from Holly to 13th should not be possible on this site. Ms. Smith stated that she moved to 1255 N. Ivy because the cul-de-sac existed as a safe play area for the children.

Ken Patterson, 155 N.W. 13th, stated that the houses on the cul-de-sac are too close together. Another driveway off 13th Avenue would be too close to his own driveway, which is not on a true cul-de-sac, but where two angles meet, and would cause a dangerous situation.

Alison Patterson, 155 N.W. 13th, stated that a flag lot with access off Holly would be best. If Lot #2 accesses off 13th Avenue it would be unsafe and would hinder her property. She read a letter into the record, from **Erle and Helen Grove of 140 N.W. 13th,** who were unable to attend the hearing. In their letter, they opposed the access coming off N.W. 13th Avenue, asked that a permanent fence be erected to prevent thru traffic, and asked for a condition of approval that would save as many large shade trees as possible on the lot and along the driveway to 160 N.W. 13th Avenue (Exhibit 6). Ms. Patterson referred to Section 1616.030 with regard to minimum width of frontage of 60 feet, explaining the proposed Lot #2 does not have 60 feet of frontage and where the driveway would be would be extremely close to her property, nor does it have adequate access; and to 16.60.030(C) design and arrangement of parcels -- and stated it would unduly hinder the use of her property which is adjacent to the subject parcel. She referred to City Council's findings where it stated there would be potential conflicts between traffic on adjacent driveways and access to the cul-de-sac.

With no further testimony and Mr. Stuart preferring not to rebut, the public portion of the hearing was closed for Commission deliberation.

Deliberation:

1. The Commission considered testimony by the applicant, proponent, and opponents.
2. The Commission discussed the septic system, which had previously served the parcel. Bob L. Stuart explained the tank had been cleaned, drained, and filled with sand and inspected by City staff.

3. The Commission discussed the well on the site and whether it should be capped or used for irrigation purposes. The applicant explained he preferred to have it capped. Mr. Hoffman suggested that Condition #10 reference the State Administrative Rules related to well maintenance, and the Commission agreed.
4. The Commission discussed access to the newly created lot by way of Holly and by way of 13th. The Commission agreed that since access could be provided directly from 13th, nothing would be gained by creating a flag lot to provide access from Holly. The Commission agreed that Holly is an arterial street with City-wide traffic present and access drives should be limited, to the extent possible. Six homes were found to exist on 13th, with minimal traffic there.
5. The Commission discussed the sidewalk issue. The Commission agreed, that since no sidewalks exist near the site and preservable trees are present, it would require a waiver of remonstrance against an L.I.D. for any needed street improvements on Holly, rather than conditioning the applicant to install the sidewalk. The Commission amended proposed Condition #3, to read: "Ten (10) feet of land for street widening purposes along Holly Street shall be dedicated as part of the final partition. The developer shall provide a waiver of remonstrance against any needed street improvements along N. Holly. The trees and significant vegetation shall be preserved if at all possible, particularly those along N. Holly."
6. The Commission discussed the inappropriateness of the appearance of a road existing from Holly to 13th on the south side of this property. The Commission agreed to add a sentence to Condition #9 to read: "No access shall be permitted from N. Holly to the newly created 9,500 square foot lot."
7. The Commission considered the opponents' testimony from the previous appeal hearing, regarding access to the newly created lot from 13th, but agreed the situation was not the same, as the applicant is now proposing a two-lot partition. Also, Mr. Hoffman explained that the access would be straight into the lot, as opposed to a right angle access. The Commission decided that while driveways would be near one another, this was not dangerous since the drivers would see one another as they entered the street. The Commission incorporated the Police Chief's recommendation that the entrance to the lot off 13th be located as far to the north as possible.

Based on the findings and conclusions in the November 26, 1991 staff report, the public hearing, and Commission deliberations, Commissioner Mihata moved to approve MLP 91-09, with conditions as recommended by staff and amended during deliberations. Commissioner Zieg seconded the motion and it carried unanimously, 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 a copy of the recorded map shall be provided to the Canby Planning Department.
2. A new deed and legal description for the new parcels shall be prepared and recorded with the Clackamas County Clerk. A copy of the new deeds shall be provided to the Canby Planning Department.
3. Ten (10) feet of land for street widening purposes along Holly Street shall be dedicated as part of the final partition. The developer shall provide a Waiver of Remonstrance against any needed street improvements on N. Holly. The trees and significant vegetation shall be preserved it at all possible, particularly those along N. Holly.
4. Utility easements, a minimum of six (6) feet in width, shall be provided on the exterior and interior lot lines of each lot in the proposed development, and 12 feet along each street. An easement for the sewer line for serving the existing home at 1320 N. Holly shall be provided on the final partition.
5. A final partition modified to illustrate the conditions of approval, shall be submitted to the Director of Public Works for review and approval. The final partition shall reference this land use application -- City of Canby, Planning Department, File No. MLP 91-09.
6. Plans to extend the sewer shall be approved for construction by the Director of Public Works, prior to the issuance of any building permits on the site.
7. All monumentation and recording fees shall be borne by the applicant.
8. All utilities must meet the standards and criteria of the providing utility authority.
9. Access to the new lot located behind 1320 N. Holly shall be from 13th. The driveway shall be located as far to the north as possible, within the 30 foot frontage, to minimize any need to cross the centerline of the street. No access shall be permitted from N. Holly to the newly created 9,500 square foot lot behind the residence at 1320 N. Holly.
10. The well shall be capped according to the provisions of OAR 220 of the Oregon Administrative Rules for Well Construction and Maintenance.

CUP 91-08, an application by Canby Union High School District #1 for approval of a major addition and major remodel to the existing Canby Union High School. The property is located at 811 S.W. 5th Avenue (Tax Lots 1100, 1200, 1300, 1400, 1500, 1600, 1700, 1800, 1900, 2000, 2200, 2300, 2400 of Tax Map 4-1E-4BB and Tax Lot 700 of Tax Map 4-1E-4B). A summary of the project follows:

- 1) remove the original 1927 two-story classroom portion of the "B" wing;
- 2) retain and renovate the current auditorium;
- 3) renovation to the existing complex;
- 4) construct a new two-story classroom building of 45,000 square feet to replace the "B" wing and also a small addition between the "F" and Library "D" wings;
- 5) construct a new 800 seat auditorium of 36,000 square feet to the west of the Industrial Arts Building;
- 6) construct a new parking area; and
- 7) construct twelve temporary "classrooms" to be used between 1992 and 1994, to be removed and sold at a later date.

Chairman Schrader asked if any Commissioner had ex-parte contact or conflict of interest. Commissioners Fenske, Mihata, Schrader and Wiegand stated they visited the site but came to no conclusions.

Chairman Schrader reviewed the hearing procedures for the benefit of those in attendance.

Mr. Hoffman presented the staff report and reviewed the applicable criteria. He explained that additional land is being used and some additional teachers will be needed. He referred to the maps on the wall, which are a summary of the proposal. The 36 acre site is surrounded by public land, residential uses, the Canby Square Shopping Center, and commercial uses along 99E. Temporary classrooms are proposed while construction is in process. The proposal will have minimal affect on the open space since the site has been expanded to accommodate the new building and parking area. The traffic consultant has analyzed the proposal and does not propose any additional traffic improvements. At total capacity, the expected traffic load will increase about 9%, which will not cause significant change to the existing situation. There is some concern about parking for sporting events, but the school architect explains that the sporting events already exist and the proposal will add more than 200 additional parking spaces, which will help alleviate any problems. Nearby homes that the school owned were demolished and the utility lines that services those homes will

have to be removed. The changes proposed do not seriously add load to any utilities and all needed easements will be respected. No service provider has expressed any concerns related to the proposal. Staff believes the proposed development appears to be compatible with the surrounding uses, the closest being commercial. Mr. Hoffman explained that the Site and Design Review application will be forthcoming.

Applicant

Jimmy Luey, Architect for Canby Union High School, 11945 S.W. Pacific Highway, Tigard, explained that he concurs with the staff report. The Conditional Use is for a major addition and remodel to the existing school. All improvements will occur on existing school property, including the area set aside for parking. He stated he was available to field questions.

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

Issues discussed:

1. The Commission considered testimony from the applicant and asked him to point out where the temporary buildings will be located. The applicant pointed to the area and explained there would be three buildings, west of the existing Birch Street. He explained that services were available from Birch for the temporary units, which served the houses that were demolished.
2. The Commission discussed:
 - a. The homes which the high school owned that were demolished, where the high school addition will be sited. With that in mind, the Commission discussed the wording under Special or Unique areas under the Land Use Element: "Area "K" is an area of older dwelling units, some of which are now in disrepair. The area is planned for eventual commercial use, but presently remains zoned R-1. A thorough redevelopment of area "K" appears to be needed. In the meantime, the R-1 zoning serves as an effective "holding pattern" where no new development is likely to occur. C-2 zoning will be required as a condition of any significant development proposal in the area."
 - b. The request from the Historic League regarding the significance of the present high school building in Canby's history, and the school board's positive reaction toward keeping some aspects of the old building unaltered.

- c. The traffic impact analysis and the fact that the school board is not proposing to vacate 4th Avenue at the present time.
- d. The agreement from the applicant with regard to non concurrent use of the three major facilities simultaneously.

Based on the findings and conclusions in the staff report dated November 27, 1991, testimony presented, and Commission deliberations, **Commissioner Fenske moved for approval of CUP 91-08 subject to compliance with the conditions of approval. Commissioner Zieg seconded the motion and it carried unanimously, with the following conditions:**

1. **A Site and Design Review application shall be filed by the school district, and necessary building and electrical permits, as required by Building Official, shall be obtained.**
2. **Additional service connection fees shall be paid prior to issuance of a building permit and all utilities shall be built to the requirements of the service providers.**
3. **The temporary classrooms shall be put out of service simultaneously or prior to the occupancy of the new and renovated classrooms and parking provided for, including paving and landscaping.**
4. **S. Aspen shall be improved to meet the requirements of the Director of Public Works. If Birch and 5th remain public, they shall also be improved.**
5. **Old Pacific Highway shall be curbed, paved, and sidewalks provided, to meet the requirements of the Director of Public Works.**

VIII. DIRECTOR'S REPORT

A discussion took place regarding the Wastewater Treatment Plant and the capacity issue. Mr. Hoffman reviewed Mr. Klem's analysis of the situation and the program that is underway to correct for anticipated capacity problems. The March, 1992, bond issue was also discussed, with regard to the financing mechanism, as most financially feasible. The present population of Canby was discussed, which appears to be at 9,400. The Canby vacancy rate was also discussed, which is less than 1%. Mr. Hoffman introduced Jim Wheeler, the new Assistant Planner.

IX. ADJOURNMENT

The meeting was adjourned at 10:15 p.m.

Respectfully submitted,


Joyce A. Faltus