

CANBY PLANNING COMMISSION

**Special Meeting
June 17, 1991**

7:30 p.m.

APPROVED

I. ROLL CALL

Present: Chairman Schrader, Vice-Chair Mihata, Commissioners Westcott, Wiegand, Fenske and Maher.

Staff Present: Robert Hoffman, Planning Director; John Kelley, City Attorney; Rusty Klem, Public Works Director, and Joyce Faltus, Secretary.

Others Present: Milt Dennison; Heinz Rudolf, Tom Olson, Jim Haas, N. Friesen, Bob Friesen, Janice Haas, Randi Gunter, Guy Gibson, Cam Sivegind, Martha Schrader.

II. MINUTES

The minutes of **May 13, 1991** were approved as submitted.

III. BUSINESS FROM THE AUDIENCE

None

IV. COMMUNICATIONS

None

V. UNFINISHED BUSINESS

None

VI. FINDINGS

By unanimous consent, the Findings, Conclusions and Order for MLP 91-03 (Bob L. Stuart) were approved, with Chairman Schrader abstaining.

After Commission discussion, the Findings, Conclusions and Order for MLP 91-04 (City of Canby) were approved, modifying Conditions #2 and 9, by unanimous consent.

VII. PUBLIC HEARINGS

CUP 91-01, a request by the Canby Elementary School District No. 86 for approval to construct a new elementary school, soccer field, softball fields, and other play areas, on a 15 acre site. The site is located north of Territorial Road and east of the Molalla Forest Road (Tax Lot 600 of Tax Map 3-1E-27).

DR 91-02, a request by the Canby Elementary School District No. 86 for approval to construct a 61,000 square foot elementary school for students in grades K-4 (ultimately, K-5), to include 20 classrooms in a two-story configuration. The remainder is housed in a single story building. The site is located north of Territorial Road and east of the Molalla Forest Road (Tax Lot 600 of Tax Map 3-1E-27).

Chairman Schrader asked if any Commissioner had ex-parte contact or conflict of interest. Commissioner Westcott explained he received a phone call regarding this issue and referred the caller to City staff. Commissioners Mihata, Fenske, Maher, Schrader and Wiegand visited the site, but drew no conclusions.

Mr. Kelley explained to the audience that if anyone had an issue they want considered, it must be raised during testimony, so as to have standing in the event of an appeal.

Robert Hoffman presented the staff reports, both for the Conditional Use and Design Review application. He discussed the applicable criteria and background leading to the property exchange between the school district and the City. Mr. Hoffman explained that this site is zoned R-1, and a school is a permitted conditional use within an R-1 zone. Additionally, he discussed the need for an elementary school in the northern part of the City. This particular site offers adequate buffering from the adjacent residential area, due to having many trees along the edges of the property, which will be retained. Further, an urban forester will be retained by the school district to provide advice as to how the trees can best be retained while still developing the site. A landscape architect will also be hired to submit proposals for landscaping the site. Many of the natural features of the site will be retained. More

than the required 15% of the site will remain as open space. Parking requirements have been met, with overflow parking and loading/unloading areas provided. Three loading spaces are required, and the site plan provides for four. As access to the site is an issue, the applicant has submitted four alternatives for the Commission to review, especially in light of the fact that at the present time the City is unsure of the fate of the Logging Road. The wetlands expert determined that there are no wetlands on the site. Territorial is proposed as an arterial and will have to be widened in the right-of-way width, and a bike path will also be added, both of which are the responsibility of the school district. The traffic impact analysis, which has been submitted as part of this application, indicates that a traffic signal is needed at the intersection of 99E and Territorial. The development of this site could help solve the traffic signal problem. Mr. Hoffman explained that public access will need to be provided to the northern part of this parcel. As the Logging Road is used for truck traffic and will be used by approximately six school buses per day, there will be the need to insure adequate site distance at the corner of Territorial and the Logging Road. Steps will have to be taken to assure that children will be discouraged from unsupervised visitations to the rear portions of this site. Based on his analysis, Mr. Hoffman explained that staff believes the proposal is consistent with policies of the Comprehensive Plan and, provided that certain conditions are imposed, staff recommends approval of the Conditional Use and Design Review applications. Mr. Hoffman suggested modifying condition #5, since the issue of the Logging Road is not fully resolved, as follows:

5. If the logging road is to be a main access road for school buses, the developer shall pave the logging road for a full width to at least the point of major access, prior to issuance of occupancy permits. The design of the intersection of the logging road and Territorial shall not provide for fast truck or bus traffic. A 30-foot vision clearance area triangle shall be maintained at this intersection. The design of the road and intersection shall be reviewed and approved by the Director of Public Works.

Mr. Hoffman further discussed access from the southern portion of the parcel to the northern portion, and suggested it be tied down even further. He suggested the following wording:

If, even for an interim period, the access drive to parcel #1 on Tax Lot 601, is to be by the access drive located within the eastern portion of the parcel, such access shall be provided and adequate maintenance provided by the owner of parcel #1 and for Tax Lot 601.

Staff has received calls regarding the odor from the treatment plant, the issue of traffic build-up on Territorial, and the affects of bus traffic in the area, as Territorial Road cannot be widened at the present time. In the professional opinion of staff, bus traffic will have no more serious affect on the development than the logging trucks have. The proposed school and related development will not alter the character of the

surrounding areas in a manner which seriously limits or precludes the use of the surrounding property for the uses listed as permitted uses or the present uses.

Rusty Klem explained that he talked with the James River Corporation and expects to receive a letter which will agree to the transfer of ownership of the Logging Road to City, with the condition that the City maintain it and that they can use it for log truck passage to the log boom. Additionally, the radius on Territorial must be maintained, which is necessary for the trucks to make the turn from Territorial onto the Logging Road.

With regard to the treatment plant odor issue, Mr. Klem explained that a facilities plan was completed by Brown and Caldwell. DEQ has approved the facilities plan format and the City has applied for a revolving fund loan from DEQ to solve the problems outlined in the study, which DEQ is now considering. The City is also waiting for a completed rate study which will outline the methods for paying for the improvements outlined in the facilities plan. The treatment plant must be upgraded to better handle solid treatment and to more quickly dispose of the sludge, which is where most of the odor is generated from.

Applicant

Milt Dennison, 970 NE 34th Place, Superintendent, Canby Elementary School District, discussed the growth of the Canby School District and stated that due to that increase, the Citizen Staff Committee reviewed site selections for the new school. After evaluating the sites during a very detailed process, it was agreed this site was the most suitable for a 61,000 square foot elementary school. He pointed out that the other site given full consideration, is a site the school district present owns at the corner of Holly and Territorial, a 10-1/2 acre filbert orchard. Additional property would have had to be acquired, as the site is too small. It is also very close to the present elementary school site. He then described the master boundary plan regarding attendance for the elementary school district.

Heinz Rudolf, 720 SW Washington, Portland, BOORA Architect, stated that the plans, which he discussed in detail, are physically well suited to the site. The site is adequately buffered on all sides and the rectangular shape of the site permits and uncrowded arrangement of the buildings and fields. In some cases, the minimum setbacks exceed the requirements approximately 10 times. The advantage of the large site, he added, is to get the buildings situated to the inside of the site where it doesn't affect any property owners immediately adjacent. The front portion of the site includes parking for approximately 100 cars and buses. To the north is the building zone, and further back, are the playfields. Storm water is dispersed on site through

drywells. Interest in retaining the maximum amount of trees is a priority, he stated, and minimum disturbance is expected. He indicated on the site plan, all the areas where existing trees will be retained. An arborist and landscape architect have been hired to look at the drawings and the grades. Further detailed discussions will be held to make sure the trees are fenced off so the root structure of the trees is not disturbed. Only 7% of the total site will be used for the building. Parking will consume 10% of the site, and flat work (concrete, asphalt areas, walkways, etc.) will use 5%. Forty-six percent of the site will be turfed areas, which will be well irrigated. More than three acres of existing trees will remain (20% of the entire site). In addition to the trees that will be retained, additional trees will be planted. Hedge-type buffers will be planted to buffer the parking areas. With regard to grading, a study has been done to ensure minimizing cuts and fills and use of existing slopes as plains. Furthermore, the building is designed to take advantage of solar access and increased natural lighting. There is no large concentration of noise in any one area which will concentrate noise away from the residential area. In addition, the existing grades are effective in cutting noise levels. Access to the site will come off Territorial Road. Mr. Rudolf then referred to the access schemes (four options), which he discussed. He stated that he favors Scheme #1 because it offers maximum separation between the community and service vehicles. The projected enrollment for the school is 500-550 students. The facilities, he explained, will be open for public use, after school hours, on a limited basis. Mr. Rudolf then discussed street improvements on Territorial, 22 feet of paved area which includes a 6 foot wide bicycle path and a 5 foot sidewalk. Mr. Rudolf then reviewed the floor plan and design of the building, in detail. In summary, Mr. Rudolf stated that he believes the proposal meets or exceeds all the City requirements and is consistent with the policies of the Comprehensive Plan and meets all the criteria.

Mr. Hoffman read a letter from **Dan Larson**, supporting the application, into the record.

Opponents

Tom Olson, 22 Willamette Green, President of the Willamette Green Homeowners Association submitted a petition requesting that the Planning Commission deny this application. Mr. Olson stated he does not oppose the new school itself, but opposes the proposed location for it. He stated that the application does not meet the major criteria as set forth in the Land Use goals. Policy #3: the sewer system will be overburdened with all the development that is occurring in the area. The daily smell will intensify, he added. Additionally, the staff report contained no analysis of any of the implications on the sewer capacity, he added. Mr. Olson stated that with the approval of the Canby Care Center and Willow Creek, within one-quarter mile of each other on Territorial Road, in conjunction with the traffic that already exists from the logging trucks, a very dangerous and unsafe condition will be created for children who would be walking to or from school. He stated that the road

is narrow and unevenly surfaced, with no suitable place for pedestrian traffic. Mr. Olson submitted photographs indicating the condition of Territorial Road, both 1 and 2 blocks west of the site. Additionally, he submitted a photograph of the southwest corner of the site, depicting a treed area. Mr. Olson said he is concerned that the improvements in Territorial be made prior to, and a condition of approval for building a school on that site. He said there is insufficient traffic control to 99E and mentioned several dangerous intersections (Territorial/Redwood and Territorial/Pine). The petitioners are concerned with the Logging Road being considered as the main access to the school. The petitioners are also concerned for the safety of unsupervised children using the playfields and darting out in front of log trucks on Territorial and on the Logging Road. Mr. Olson stated concerns under Policy 8R and 9R of Environmental Concerns as there are no other areas in Canby with the unique character of this site, and is a home for many species of wildlife within Canby's urban boundaries. The petitioners request that the district find an alternative site for the proposed school and that this site be preserved as a public park.

Jim Haas, 43 Willamette Green, stated his concerns about the wildlife and the forestry aspects of this application. He is concerned about the sacrifice of a stand of unique Douglas Firs, and understory on a publicly owned piece of property. If this application is approved, it would violate the intent of several policies of the Comprehensive Plan, as follows: Policy #4, Natural Hazards (as the Willamette River poses a safety hazard for children who might wander to the river from this site); Policy 7R, 8R and 9R of Environmental Concerns (scenic and aesthetic qualities will not be maintained; open spaces will not be maintained; logging this area will not have minimal adverse impacts on fish and wildlife habitat, but maximum adverse impact).

Rebuttal

Milt Dennison explained that there will be a full fence along the Logging Road. If access to the rear parcel is provided, a fence would be built there too. The intent is to address the interchange of logging trucks with student traffic. The cutoff (Y) that is presently used by the logging trucks will be maintained, or rounded off, to insure logging trucks do not have to veer into the lane of oncoming traffic. At the present time, the site has become a dump site and is used for motorcycle traffic, which this project would improve upon.

Heinz Rudolf responded to the following concerns:

1. Sewer Capacity/Odor - Mr. Rudolf explained that Rusty Klem has already addressed that issue.
2. Traffic/Safety - There will be sidewalks, with pedestrian access and bicycle paths to the site. The intersection of Territorial and the Logging Road will be rebuilt safely to meet the requirements of buses and logging trucks, and will be reviewed by a safety engineer and civil engineer.

3. There will be a fence along the north and west property lines.
4. The applicant is sensitive to the tree issue, and as many trees as possible will be preserved and retained. The applicant will work with an arborist and horticulturist to ensure this. The end result of this project will appear to be a neighborhood park.

Tom Olson requested a continuance of this hearing. Mr. Kelley read the statute regarding continuances: one would be to continue to another date, and one is provided to keep the record open for seven days after the hearing. It is not a matter of law to provide for a continuance by merely requesting so, although the Commission does have the authority to continue the public hearing if it feels the necessity. But, as a matter of law, Mr. Olson has the right to request that the record be kept open for an additional seven days to submit any additional information or evidence. Mr. Olson requested a continuance of the public hearing on the basis of reports submitted tonight that the public has not seen (traffic), and reservations Mr. Hoffman had about the landscape plan.

Mr. Hoffman explained that this application was routed to relevant service providers for feedback. No replies regarding difficulty serving the site or sewer capacity were received. Odor does not appear to be related directly to capacity. The Urban Forester visited the site and has made recommendations. The final landscaping plan will include his recommendations, although the new, colored, plan that Mr. Rudolf has referred to at this hearing are very satisfactory. The Traffic Analysis has been available for more than seven days. Mr. Olson visited the office prior to that time. Given these facts, Mr. Hoffman stated he does not believe new evidence was presented at this hearing that was not available to the public. With regard to information relative to design review, Mr. Hoffman explained that Mr. Olson viewed that information, which was not colored up to depict open space, at that time. Mr. Olson noted that the information on the upper right corner was different. He further stated that he wished the continuance to review the landscape redesign plans and to review analysis of the sewer report which has not been submitted yet. The Commission explained that the staff report contained information regarding the capacity of the sewer plant, and that such capacity is sufficient and that capacity does not impact odor.

Mr. Klem explained that capacity is not a problem and discussed the flow, which is at 70% now, leaving 30% hydraulic capacity available. The odor issue is a constant procedural problem the City is facing regarding how fast the solvents are removed from the plant. The City is acquiring equipment to remove the sludge faster. Mr. Olson asked if there has been an analysis of the amount of capacity increase that will occur with the new developments. Mr. Klem explained that the question of capacity inside the Urban Growth Boundary is a planning issue for the treatment plant. The Urban Growth Boundary will hold 20,000 population and the treatment plant must be sized toward that end, where the buildout of the treatment plant will equal the buildout

of the Urban Growth Boundary. With regard to sludge and capacity, Mr. Haas stated that more volume equals more sludge to be removed which, in turn, causes stronger odors. Mr. Klem stated that the City took delivery of a new tractor and field spray gun which will increase the hauling of sludge and eliminate the problems involved in hauling it away in wet weather.

Commissioner Fenske moved to deny the request for a continuance.

Commissioner Wiegand seconded the motion and it carried 3-2 (Chairman Schrader had been called away on emergency business during the hearing).

Jim Haas then requested that the record remain open for seven days. Mr. Kelley explained that this request is automatically granted, but that deliberations could continue at this hearing.

With no further testimony, the public portion of the hearing was closed (except for additional information Mr. Haas might submit) for Commission deliberation.

Issues discussed:

1. The Commission discussed the use of the school facilities by the school and by the public. Mr. Dennison explained there would be an open policy regarding public use of the facilities. He agreed to a condition limiting the hours of operation to avoid conflict with nearby residential areas.
2. The Commission discussed the sewer interceptor on the site which might be abandoned. It was suggested that the line be capped on both ends, but Mr. Dennison stated the school would prefer to remove and/or crush it. He agreed that this should be added to the conditions, if approved.
3. The Commission discussed overflow parking on the site. Mr. Rudolf explained where it will be and how, in moving the overflow parking area, more trees would be saved.
4. The Commission discussed sources of irrigation for the playfields. The applicant explained the fields would be irrigated with water from the City system unless a well was found to exist on the property.
5. The Commission discussed the Comprehensive Plan policies and agreed that no single proposal could meet **all** the goals and policies and that priorities must be set. It was agreed that any forested area that would be developed would have,

at the very least, some impact. Mr. Hoffman pointed out that the northern part of the parcel, which is heavily forested, would be retained. He added that any site within the Urban Growth Boundary or, at least, within the City limits, would have a major impact on environmental consequences. The Commission further discussed that the Land Use goals state that there are conflicts among the goals and in the Comprehensive Plan, as well.

6. The Commission asked the applicant to address the reasons this site was chosen. The applicant explained that they wanted a site within the City limits. There were two other sites that were large enough, which the district tried to purchase. Neither was for sale. Two sites were examined outside of the City limits. Due to the cost of one, and services available to the other, the Board decided not to proceed with the sites outside the City limits.
7. The Commission discussed the daily number of log trucks in this area. Mr. Dennison responded that it varies with the season and the market. The school district met, on-site, with representatives from James River. James River said that at the high point, approximately 40-50 truck use the Logging Road each day, and during the rainy season, approximately 10-20 truck per day. Mr. Klem stated that he was told it was 76 truck loads per week.
8. The Commission discussed the turning radius necessary for log trucks to enter the Logging Road from Territorial. James River indicated they would like to see the radius that already exists, retained. The traffic study indicates it should be reconstructed to a maximum of a 60 foot radius curve return, which is much narrower than the radius that presently exists. A 60 foot radius would slow trucks down. Mr. Rudolf stated that he believes the traffic engineer preferred the 60 foot radius because it slows the trucks down and is compatible with the street corners. Furthermore, the Commission agreed logging trucks and schools coexist through Oregon very successfully. The routine posted signage surrounding the school will address many of the issues under consideration.
9. The Commission discussed vision clearance. Mr. Hoffman explained that there was vegetation in the corner area. The standards in the ordinance require that there be a minimum 30 foot vision clearance area, measuring back from the intersection, 30 feet in both directions. This was not originally provided, but has been provided subsequently.
10. The Commission discussed the wildlife corridor. As the site is zoned R-1, the Commission is somewhat limited, by Senate Bill 100 and the Statewide Land

Use Planning Goals, to change the zoning of a piece of property at the time of hearing for a conditional use.

11. The Commission discussed fire access to the rear of the parcel. Mr. Hoffman explained that all the alternatives provide for that access and meet the requirements of the Fire Marshal.
12. The Commission discussed the issue of children walking to school along Territorial. Although a high proportion of the grade school children arrive by bus, Mr. Hoffman explained that an interim solution for walkers along Territorial has been addressed (some kind of temporary pedestrian path until such time as Territorial is widened). Territorial would, most likely, be widened at the time each of the developments along Territorial come on line. Mr. Hoffman explained that he was unsure precisely when, on the Larson site, Territorial would be improved, but during design review he will definitely recommend that Territorial be improved before Redwood.
13. The Commission expressed concern that, since the actual owner of the property is the City, Territorial be constructed with temporary sidewalks as a condition of possible approval. Mr. Hoffman stated that the Commission could recommend to City Council that every avenue be explored to accomplish that goal, within budget constraints, but that as the City is not the actual applicant, it could not be conditioned to do so. Further, he explained that this issue is analogous to the traffic signal on Territorial and 99E, which is an off-site improvement. In the case of the signal, the applicant was asked to make a contribution with respect to their impact on the issue.
14. The Commission asked the applicant if the district would object to a condition requiring that all children who cannot walk to school via sidewalk access, be bussed. Mr. Dennison explained that a bus probably passes every street in the community, and that very few of the schools are entirely accessible by sidewalk. Philander Lee Elementary did not have a sidewalk along Ivy Street until recently. Policy states that the district can restrict bus service to a one mile radius, but that does not mean children are not picked up who live much closer to the school. At the present time, the district is not sure of the attendance boundaries. Currently, 80% to 85% of students are bussed to each school. Mr. Hoffman suggested that, since this hearing will be continued, that Mr. Dennison confer with the Board with reference to this safety issue. The Commission discussed adding a condition that would address this safety issue as far as picking up students along Territorial or strongly recommending the City provide a safe walking area for walkers along Territorial due to the danger

the logging trucks present. As these are off-site improvements that the applicant has no control over, and budget constraints exist, the Commission further explored conditioning the district to bus children that have walked **up** to Territorial, thereby not permitting them to walk **along** Territorial.

Guy Gibson, Canby Elementary School District Board Member, stated that one aspect of this site that makes a difference as far as busing is concerned, is that the other two school sites that were considered have more residential density surrounding them. The percentage of walking students to this site, would be very small, due to the lack of residential density surrounding the site.

15. The Commission discussed the four Schemes presented for access to the site. The Commission requested reduced copies of the schemes be made available to them for review, prior to the next hearing on this matter.
16. The Commission agreed signage for circulation at the entrance and exit and regarding speed while school is in session was agreed to be an important issue, as is slowing down the log trucks. Mr. Kelley explained that James River owns the logging road at the present time and would, mostly likely, want to dictate terms when considering City ownership. He added that there is room for negotiation since we would maintain it.
17. The Commission discussed recommending to the Safety Committee regarding the placement of 'NO PARKING' signs on Territorial (near the school site) and the Logging Road.
18. The Commission discussed the applicant's contribution with regard to the traffic signal. Mr. Hoffman explained that the proposed condition was the same as the one that was imposed on Willow Creek's approval, although Mr. Scott offered seed money up front.
19. The Commission discussed conditioning that the bike path along Territorial be included in the first phase of development.

The Commission unanimously agreed to hold a special meeting on June 26, 1991 and continue this hearing to such date.

Due to time constraints, the following hearing was continued to the Special Meeting being held June 26, 1991:

CUP 91-02, a request by the Canby Elementary School District No. 86 for approval of the following additions to Eccles Elementary School: a new covered play area at the north end of the existing gymnasium and a new music room with a connecting corridor to be located under the west end of the existing covered play area; and remodeling of the existing gymnasium and corridors, and paving of parking area at south end of school. The school is located at 562 NW 5th Avenue (Tax Lot 1100 of Tax Map 3-1E-32D).

IX. ADJOURNMENT

The meeting was adjourned at 11:05 p.m.

Respectfully submitted,



Joyce A. Faltus