

CANBY PLANNING COMMISSION

Regular Meeting

March 9, 1992

7:30 p.m.

APPROVED

---

**I. ROLL CALL**

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

Staff Present: Robert Hoffman, Planning Director, Jim Wheeler, Assistant Planner, and Joyce Faltus, Secretary.

Others Present: Milt Dennison, Heinz Rudolf, Jack Hammond.

**II. MINUTES**

Approval of the minutes of **February 24, 1992** were carried over to March 26, 1992.

**III. CITIZEN INPUT ON NON-AGENDA ITEMS**

None

**IV. COMMUNICATIONS**

None

**V. FINDINGS**

Commissioner Fenske moved for approval of CUP 92-03 - (Eccles Portable), Findings, Conclusions and Order. Commissioner Wiegand seconded the motion and it carried unanimously, with Commissioner Schrader abstaining.

**Commissioner Fenske moved for approval of DR 92-01 (Canby Union High School), Findings, Conclusions and Order. Commissioner Gustafson seconded the motion and it carried unanimously, with Commissioner Schrader abstaining.**

## **VI. NEW BUSINESS**

**ANN 92-01** - The Commission will review an application submitted by the Canby Elementary School District for annexation of a 20-acre site which fronts on S. Redwood Street and Township Road (Tax Lot 1100 of Tax Map 4-1E-3). The Commission will then make recommendation to City Council. A public hearing will be held on this matter before the City Council on April 1, 1992.

Most of the Commissioners stated they have visited the site, and all agreed they have reached no conclusions by so doing. No ex-parte contact or conflict of interest was noted.

Bob Hoffman presented the staff report and reviewed the applicable criteria. Mr. Hoffman then reviewed the background with regard to the school sites and the application under appeal at LUBA. Further, he explained that the site in question is entirely within the Urban Growth Boundary and meets most of the intent of Canby's Goals and Policies regarding the Comprehensive Plan Urban Growth Goal, provided all services are, or become, available. The area to the north of this site has recently been annexed. Township Village, Phases I, II, and III are under construction to the west. The site is a Priority "C", which is the third stage to be developed. Mr. Hoffman explained that most of Priority "A" is already annexed into the City and some of Priority "B" has already been annexed. Further, Mr. Hoffman explained that in annexing the site, there could be no restriction as to its use, that it would be zoned R-1, and that the site could support a maximum of 90 single family residential homes.

With respect to the City's expansion, Mr. Hoffman explained that, as this site is not either a Priority "A" or "B", the applicant must prove the appropriateness of the annexation. In that regard, the school district, in its application, stated that "There will be some special benefit to the City overall, as a result of the annexation which would not occur if the phased growth pattern was followed." and "The annexation will result in no adverse impacts on the City's planned provision of public facilities and services."

With regard to Township Road, Mr. Hoffman explained that it is proposed as a collector street and will need to be improved with sidewalks and curbs. Also, a Traffic Impact Analysis will be a requirement at the Conditional Use/Design Review phase of this development.

All public utilities can be provided from Township Road and Pine Street, or extended from 99E via the Logging Road. A new interceptor and a water line is available at 99E and Pine. Service extensions will be required. Storm water will need to be handled on site.

Mr. Hoffman then referred to the school district's statement that "there will be no additional impact on the capacity of the City's wastewater treatment facility." He explained that the district explained that the children who will attend the school in the immediate future already attend or would attend existing schools and are already contributing to the system. Further, the district stated that there would be water saving devices and processes at the new school. Rusty Klem, Public Works Director, has stated that he is not prepared, at this time, to say the plant will be "adequate" until after the vote on the funding mechanism. Mr. Hoffman stated that a school with the design capacity of 500 students, at 25 students per classroom, could also be utilized at 35 students per classroom. If the existing schools and portables were to continue to operate at the current levels, he added, the new school could ultimately add a new capacity to the system (700 children). Mr. Hoffman added that he was comfortable that the school would not add substantially to the flow, and that the alternative would be to continue housing the children at the existing schools and in portables, at larger classroom size than would be desirable. Alternative extensions of sewer service were discussed, including the preference of the Public Works Director.

Based on the foregoing, and the supporting information submitted with the application, Mr. Hoffman explained that staff is recommending that the Commission recommend approval to City Council, with certain understandings:

1. That all development and recording costs shall be borne by the developer when the property is developed.
2. That all City and service-provider regulations are to be adhered to at the time of development.
3. That any large scale development of the property must be preceded by a Conditional Use and Design Review application. If the land is not developed as a school, Subdivision Review will be necessary. It should be recognized that review of the impact on the sewer treatment plant of a subdivision would be different from a school. A **subdivision** may not be approvable at this time.
4. That a "partition" of Tax Lot 1100 will be necessary to create two separate parcels.

5. That the Commission should fully consider whether the information it has available at the time of action is sufficient to make findings related to **adequacy** of City services and **phasing** of City development. If it cannot make such findings it should delay recommending approval to City Council.

Mr. Hoffman added that it would probably be wise not to act at this meeting. Instead, he suggested continuing it until after the bond vote, and recommended holding the next Planning Commission meeting on Thursday, March 26, 1992.

The Commission asked Mr. Hoffman to review the boundaries of the three priority areas of the Comprehensive Plan. Mr. Hoffman explained that the only other "C" area annexed to the City was a small part of the Willow Creek development. He also pointed out the only "A" areas that were not annexed yet, of which there are very few. None of the remaining "A" areas are large enough to site a school. Priority "B" areas that still remain are almost all targeted for industrial use.

With regard to the Parks Plan, Mr. Hoffman explained that a mini park was targeted for the approximate center of the Priority "C" area, a corner of the proposed school site. Further, he explained that a Traffic Impact Analysis was submitted which is not required as a part of annexation. It will be reviewed as part of the conditional use/design review application. Responding to a question from the Commission, Mr. Hoffman explained that a house is located on the frontage of the site, which will remain, thereby causing the site to be irregularly shaped. He further explained that the owner had no intention of selling the property for development, and only considered selling it as a school site. Mr. The applicant has met with adjacent landowners and will continue to do so, in order to address and/or resolve any and all of their concerns.

He explained how the applicant expects to provide access from Redwood and Township and explained how, eventually, Redwood is planned as a collector to go from Township through to 13th Avenue. Through the development of this site, a portion of Redwood would be improved to collector standards.

### **Applicant**

**Milt Dennison, 970 N.E. 34th Avenue**, referred to the outline he submitted regarding the research of potential school sites. Eight sites were originally targeted, based on the size, location, ease of access, and cost of development. None of the northeast sites, except for the City-owned parcel, were available. Another suitable parcel in south Canby, which would have also required annexation, was not available. Of the eight sites, only the sites in the southeast section were available for purchase and each one is located in the Priority "C" zone for phased annexation.

With regard to the sewer treatment plant, Mr. Dennison stated that the school district hired the services of Manfull-Curtis, Inc., consulting engineers, to analyze the impact on the City's wastewater treatment facility. Their report, which is part of the application for annexation, concluded that as the facility will not add new students, and because the facility contains "state-of-the-art" water-saving devices, the addition of the new elementary school would result in ". . . less net wastewater flow from the school district than at present." Mr. Dennison added that, as the Carus Elementary School is substantially under-capacity at the present time, it appears extremely improbable that any Carus students would be sent to the new elementary school in the event of unification. Further, he added that he believes that there is no valid sewer capacity issue relating to the elementary school because the City previously stated it had sufficient capacity to serve a new elementary school of the same size, when it was targeted to be located on the Territorial and Redwood site. If the City had the capacity for the school which was approved in 1991, it certainly must have the capacity for a school which takes the place of the one approved in 1991. Mr. Dennison further stated that there are approximately 700 future residential units with the City, which are in some phase of planning. Many of those units have already been approved for development, based upon an assumption that necessary public facilities would be available to serve those units. He referred to the Findings #1 of the Public Facilities and Services Element of the Comprehensive Plan, which includes public schools within that category, and which states, ". . . the City must play an active part in assuring that all of the needed facilities and services are available to serve the public." Based on that finding, it must be assumed that the potential approval of the 700 units was premised on an assumption that necessary public facilities would be in place, including adequate public schools. The district is merely implementing its approved expansion plans, which have been ratified by a vote of the citizens of the City of Canby in approving a general obligation bond issue for the construction of the new school. According to ORS 33.075(I), the school district is exercising its statutory obligation to establish and maintain schools for the benefit of the City. The Comprehensive Plan acknowledges that ". . . the construction of a new elementary school is the responsibility of all the taxpayers of the school district. . .". In this case, he added, the taxpayers of the City of Canby, by approving the bond issue, have made their wishes known and, therefore, the school district requests approval as implementation of the citizens' wishes.

In summary, Mr. Dennison stated that he believes the district has demonstrated that the new facility will not adversely impact the City's sanitary sewer treatment facility but, instead, will provide needed school facilities for student impacts from residential developments already approved by the City. Further, he stated that it is not appropriate to link this application to the upcoming sanitary sewer bond issue. Ninety-seven percent of the students in the new building are students who add to the sewer capacity's load already and will just be moving to the new school. There would be two showers in the new school, one in the physical education office and one in the nurse's office, neither of which are targeted for students. It would also have a full-service kitchen with two cooks.

With regard to access into the site, Mr. Dennison stated that the district will work with the neighborhood in order to serve its own needs and minimize any negative impact to the neighbors. Additionally, the "neck" of the property will serve to assure the parcel's contiguity to parcels already in the City. The present owners will retain the house already existing on the site, causing the parcel to have a flag-lot shaped formation. The contract with the owner requires that the parcel be used as a school site. Should it not be used as such, it would revert back to the original ownership. With regard to the site at Territorial and Redwood, Mr. Dennison explained that the issue is at the Land Use Board of Appeals and, until the subject site is approved for annexation, conditional use, the application at LUBA will not be withdrawn. Regarding the location of the present site, Mr. Dennison explained that studies show that the southeast has the most potential for growth in terms of property and the types of units under consideration. Additionally, Mr. Dennison explained that this parcel was the **only** property available to be annexed. The properties that could not be annexed, because they were not contiguous to the City, presented a big problem because the County cannot approve a conditional use where property is zoned EFU-20. The committee spent a lot of time studying tax lot maps and walking door-to-door to find this site. The other options to this site involved condemnation. Grading reconfiguration for the entire district is under consideration at the present time. With regard to a question about increasing staff, Mr. Dennison explained that such a decision would depend on Measure #5, but the forecasting shows that in terms of regular classroom teachers, the district would need to increase staffing by 4-5 teachers, 5-6 specialists, and a small increase in secretarial staff, custodial staff, etc. Overall, the staff would be increased by approximately 15 to 20 people.

Mr. Dennison explained that the district is planning to bring the overall capacity at Eccles Elementary School down by about 1 or 2 classrooms after the new school is completed, making Eccles a K-3 school and Knight a grades 4,5,6 school, and build a partnership between Philander Lee Elementary School and the new school, with Lee being a K-3 and the new school a grades 4,5,6 school. Long-range plans include a new middle school on the north side of town, but for the time being there would only be one middle school in Canby.

### **Proponents**

**Alan Curtis, Manfull-Curtis, Inc., Consulting Engineers**, explained that there would be no increase in flow to the wastewater treatment facility because, initially, the student population will be composed of transferees. The new school will have energy-conserving fixtures that will use less water. These fixtures will eventually be mandated by the UBC Code, to restrict the application of, or eliminate, the high flow type fixtures. This will cause a reduction in use and, therefore, cause no additional flow to the system. Mr. Curtis explained that the present fixtures use approximately 6-8 gallons, where the new energy-saving fixtures use approximately 1-2 gallons of water, halving the flow to the plant.

**Jack Hammond, 21790 Willamette Drive, West Linn**, stated that the seller does not want to annex to the City if the site is not approved for a school. Therefore, the applicant has not filed a petition with the Boundary Commission yet. The Boundary Commission has 60 days to act on a petition and then makes an oral decision. An order would not be entered until 45 days afterwards. Therefore, if the conditional use approval was not forthcoming, it could withdraw the application from the Boundary Commission, as the oral decision is not binding.

With no additional testimony, the Commission moved to deliberations.

Mr. Hoffman explained that he recommended '**Understandings**' not conditions, because the Boundary Commission has final approval for an annexation and is not inclined to condition annexation approvals.

The Commission expressed concern for more information it could consider at the March 26, 1992 meeting:

1. Actual data with regard to student buildout and water usage.
2. The applicant proving the following, in order for the Commission to make appropriate findings:
  - a. the appropriateness of the annexation;
  - b. that there will be some special benefit to the City, overall, as a result of the annexation which would not occur if the phased growth pattern was followed;
  - c. that the annexation will result in no adverse impacts on the City's planned provision of public facilities and services; and
  - d. that the annexation is appropriate in terms of timing for City growth and development.
3. That staff bring findings to the March 26, 1992 meeting.

**It was moved and unanimously approved to consider this application at the March 26, 1992 meeting.**

- - - - -

## **WORKSHOP - ORDINANCE/COMPREHENSIVE PLAN UPDATE**

Concerns discussed (possibly requiring amendments to Comprehensive Plan and Zoning Code):

1. Whether duplexes should be allowed in R-1 (single family resident) zoned areas.
2. Including a description of the duties and responsibilities of the Planning Director and staff, within the Development Code.
3. Reviewing Home Occupation Regulations, including signage.
4. Tightening up regulations regarding the Hazard Overlay Zone.
5. Improving the Historic regulations.
6. Reviewing and improving the Tree Ordinance with regard to private lands.
7. Gaining greater guidance regarding sidewalk regulations for land developments.
8. Reconsidering permitted or required conditions on land development resulting from Measure #5.
9. Reviewing enforcement procedures and authority related to conditions of approval. Possibly reviewing what other cities do to enforce them.
10. Considering expanding Design Review requirements (i.e. 30% landscaped areas vs. 15% now; tree retention and planting, etc.)
11. Improving language regarding need for "adequate" public facilities for land division, especially in subdivisions.
12. Reviewing requirements to provide parks as part of subdivisions.
13. Recodifying Development Ordinance to include all additions and modifications.
14. Revising PUD regulations to limit minimum size and exclude major and minor partitions and require "common" areas.
15. Strengthen City/DEQ relations.



16. Having more 'experts' available to the City, such as Wetlands Experts, Landscape Architect, Arborist, etc.
17. Investigating experts who might be available through OSHA for consultations (noise, etc.).
18. Reviewing Comprehensive Plan with relation to amount of industrial lands and apartment needs vs. manufactured housing.
19. Scheduling regular status reports from public service providers, with regard to adequacy.

The Commission will also consider the following details which were submitted by Commissioner Fenske:

20. Re Section 2.28.010
  - a. Adding all new "blurbs" that Commission is required to read at each public hearing (to part B).
  - b. Part F regulates the close of the hearing. So there should be a prior step somewhere, to open the hearing. Something like a new Part A - "The hearing shall be formally opened by the presiding officer and the official hearing title and number shall be read aloud." Then the existing part A, which would become Part B.
  - c. A section should be added that describes how physical evidence brought to the hearing is submitted as evidence.
21. Re Section 2.40.110 - As this section seems to be very important, a more comprehensive listing of priorities for service would be in order. Something to the effect of: . . . priority for available service shall be given to developments according to the following:
  1. Existing developments within the City limits having the legal responsibility to connect to existing City service facilities.
  2. Existing developments within the City limits having the financial capability to connect to existing City service facilities and making application to do so.
  5. Proposed developments that will be annexed prior to development, but not requiring zone changes or conditional use permits.

6. Proposed developments that will be annexed prior to development and will require zone changes or conditional use permits.
7. Existing developments outside of the City limits, but within the urban growth boundary.
8. Proposed developments outside of the City limits, but within the urban growth boundary.
9. Existing developments outside of the urban growth boundary.
10. Proposed developments outside of the urban growth boundary.
22. Re Section 4.04.020 - It would be nice if there was a listing of those conditions or circumstances under which the Council should consider initiating public improvements, and a priority list which would be periodically updated by the City engineer to keep the Council advised of where public improvements are needed.
23. Re Section 4.08.030 - Part C should be updated to reflect more current economic conditions for senior citizens.
24. Re Chapter 4.12 - Planning Commissioners should become more aware of "advance financing" and how it could be used as a tool in writing conditions. Possibly a workshop held with the City Manager and City Attorney to help guide Commission in how it might be used. After guidelines are developed, a mechanism could be enacted to allow the Commission to write conditions requiring developers to enter into "advance financing agreements" with the City.
25. Re Chapter 12.04 - The responsibility for naming thoroughfares in accordance with this section should be changed to a ministerial function of the Planning Director. When necessary for a Council resolution to designate thoroughfare names, the Planning Director could deal directly with Council and skip the Planning Commission role.
26. 13.12.010 - As soon as the plant capacity upgrade is complete, more attention should be paid to the requirements of this section for all buildings to connect to the public sewers.
27. Is 13.12.150C consistent with the Tree Ordinance?
28. 15.12.070 makes the Planning Commission the board of appeals for Flood

Hazard Protection.

29. 15.12.020 - The definition for floodplain needs to be added, and the relation between base flood and floodplain needs to be explained, to be consistent with current guidelines. The text in the chapter needs to be changed to reflect current guidelines too. All the definitions need to be checked to ensure they are consistent with current COE and DSL requirements.
30. 15.12.060 - Part 2 under this section requires that the Building Official review all development permits to determine that all necessary permits have been obtained from other agencies. We have learned that many of these other permits cannot be obtained until Canby has issued a permit. We need to decide if we will allow obtaining permits concurrently and, if we will, then get the method for doing so into the ordinance.
31. 15.12.090 - This section references a guidebook which we concluded is outdated. It also permits other methods which are not defined. There should be specific documents referenced in this section along with provisions that the most recent edition of these documents be in effect.
32. 15.12.100 - Useless as written. If the section is to be kept, it needs to have specific materials and methods listed which are approved, or specific materials and methods that are not permitted.
33. 15.12.130 - This section is probably not necessary since all of the flood hazard areas are covered on the flood maps.
34. Chapter 16

The position of Planning Director and the concept of planning staff should be added. Both the director and staff need to have the appropriate definitions, duties, powers, etc., added. It must be decided which functions will be ministerial and which will be done at the Commission level. Duties of the Director should include, but not be limited to:

- a. Ministerial duties as listed in the Code.
- b. Day-to-day liaison with the development community to answer questions concerning ordinances, permits, hearings, etc.
- c. Maintain current knowledge of state, federal and county laws, rules, regulations, programs, etc., and how they impact the City.
- d. Review applications and prepare or oversee the preparation of staff reports; where applications are incomplete or improper, make a recommendation to the Commission for disposition.

- e. Identify those portions of the ordinances which need changing because of the confusion, lack of specificity, new rules and regulations, oversights, bad codification, etc., and prepare recommended changes for presentation to the Commission and, subsequently to the Council.
  - f. Schedule and coordinate C.P. updates at the frequency required by law or at an interval which best serves the interests of the City.
  - g. Ensure that conditions attached to Findings, Conclusions and Order's are followed and initiate corrective actions where they are not; prepare and present to the Council or the Commission, recommendations for action in cases where conditions are not being followed after corrective actions on the Director's part have failed.
  - h. Act as the liaison between the Council and the Commission to keep each other advised as to the others' actions, intents, schedules, etc.
  - i. Act as the liaison between the Council and the various City departments (particularly Public Works) to keep each other advised as to the others' actions, intents, schedules, etc.
  - j. Coordinate and schedule workshops with Council and/or various City departments when issues of special interest or importance arise.
35. 16.02.010 - This section gives the title of the ordinance, but the title page of the ordinance doesn't even use the title given. Either call the title "Planning and Zoning" as the book does, or change the book to call the title "Land Development and Planning Ordinance of the City" as the ordinance calls for.
36. 16.04.010 - Make the ordinance gender-neutral instead of waiting for somebody to make a big deal out of it later.
37. 16.04.010 - Change this definition to include the concept of being adjacent through a public right-of-way or through a railroad right-of-way as well as through a public street -- otherwise we have problems right now as the City limits currently exist.
38. 16.04.165 - Add definition for "Director." "Director" means the Planning Director of the City (City Planner is used in the Ordinance).
39. 16.04.495 - Add same as #38.
40. 16.04.505 - Add definition for "planning staff."
41. 16.04.510 - The term plat is defined in terms of subdivisions, but later in the title, is used with partitions also. The definition should be changed to include both uses. Under this definition, three different plats are described --

preliminary, tentative, and final. There is no further definition of what is included in any of them. We need definitions either in this section as separate

definitions, or later in the title, for each one. They should include a detailed listing of those things that are required to be included on each of the three levels of plats. (Refer to State law.)

42. 16.04.530 - Definition of "right-of-way" is confusing. It probably should be defined more in terms of areas reserved between lot lines and set aside for streets or other purposes.
43. 16.04.565 - Add definition for "staff." Staff means planning staff of the City.
44. 16.04.590 - The definition of "structure" and the one in 15.12 are different. They should be the same.
45. 16.04.666 - The definition for vicinity introduces the subject of putting greater requirements on larger projects or those with greater impact. Somewhere in the title, we need to formalize this concept so we don't keep getting asked questions like, "Why don't we require a traffic study for small subdivision?"
46. 16.04.670 - Interesting definition since it is so comprehensive compared to some others, which are so sketchy. Several other definitions probably warrant this level of detail. The only thing this definition leaves out is the case where the tree grows to become greater than 18 inches in diameter -- then what?
47. 16.04.690 - Rather than "street" - it should read ". . . and an interior lot line and measured horizontally to the interior lot line."
48. 16.06.010 - Add words to describe the Commission's envisioned role in updating the Comprehensive Plan, and its role as the Design Review Board, and its role as the Flood Hazard Protection Appeals Board, and any other obscure function that may be lurking out there.
49. 16.06.040 - Change the last sentence to include Planning Director and planning staff instead of City staff in general. There probably should be provisions also for other City staff to participate at the invitation of the Planning Director.
50. 16.06.070 - Change the reference to the secretary to be a member of Planning staff.
51. 16.06.080 - Would anyone notice if we change this section?
52. 16.06.090 - Change this section to reflect the function of the Planning Director

and Planning staff.

53. 16.06.140 - Turn this function over to the Planning Director and, through his discretion, to Planning staff, where appropriate.
54. 16.06.150 - Confusing section. Within it, should be a listing of those specific cases in which the Commission can accept property.

Insert new Division II, and bump all others down one step. New Division II would be entitled PLANNING DIRECTOR AND STAFF. This division should treat the Planning Director and staff positions to the same level as the previous division treats the Planning Commission.

55. 16.08.050 - Why is this in the Zoning Ordinance? It should be in Title 10 - Vehicles and Traffic.
56. 16.08.080 - Eliminate first two sentences. It doesn't seem to be good planning to permit additional nonconformance simply because the neighbors are nonconforming.
57. Table 16.10.050 - In part 3, under the heading 'Church' **of** should be **or**.
58. 16.10.070 - In Part D, is this consistent with the access ordinance we just recently sent to Council. If this section is inconsistent, we should change it now.
59. More to come . . . .

## **VII. PUBLIC HEARINGS**

None

## **VIII. DIRECTOR'S REPORT**

Mr. Hoffman reported on the status of the City budget and explained that the Budget Committee will meet again on March 23, 1992.

Mr. Hoffman reported on the work of the Historic Task Force, and explained that a grant application for \$10,000 was submitted.

**IX. ADJOURNMENT**

The meeting was adjourned at 10:00 p.m.

Respectfully submitted,

A handwritten signature in blue ink that reads "Joyce A. Faltus". The signature is written in a cursive style with a large initial 'J' and 'F'.

Joyce A. Faltus