

CANBY PLANNING COMMISSION

Regular Meeting

May 11, 1992

7:30 p.m.

APPROVED

I. ROLL CALL

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

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

Others Present: George Wilhelm, Milt Dennison, Heinz Rudolf, Ted and Cary Ann Labedz, Leonard Thompson, Larry and Betty Faist, Kathy Ellickson, Arthur Ellickson.

II. MINUTES

The minutes of April 27, 1992 and May 4, 1992 were continued to June 8, 1992.

III. CITIZEN INPUT ON NON-AGENDA ITEMS

None

IV. COMMUNICATIONS

Bob Hoffman explained that Wayne Scott submitted a letter requesting a six month extension for filing of the plat for Willow Creek Estates 2 because the federal and state permit approvals, required for construction in the floodplain and wetland, will take longer than planned. His one year period actually ends on June 26, 1992, so his extension would begin then, if approved. If the improvements are made after the final plat is filed, they would all have to be complete before any land could be sold in Phase 2. The Commission approved the extension for six months, beginning June 25, 1992.

V. FINDINGS

Commissioner Fenske moved for approval of SUB 92-01 (Township Village IV) Findings, Conclusions and Order, as submitted with the new condition #15. Commissioner Wiegand seconded the motion and it carried unanimously.

VI. PUBLIC HEARINGS

ANN 92-03, an application by Dave Nelson and Cathy and Art Ellickson to annex a 2.37 acre parcel and a 1.28 acre parcel located at the end of S. Elm Street into the City of Canby (Tax Lots 1200 and 1300 of Tax Map 4-1E-4C). **Continued from April 27, 1992.**

CUP 92-04 - an application by Dave Nelson for a Conditional Use approval of a proposed 5-unit manufactured home park at the end of S. Elm Street (Tax Lot 1300 of Tax Map 4-1E-4C). **Continued from April 27, 1992.**

Chairman Schrader explained the hearing process and procedure. He asked if any Commissioner had recent ex-parte contact or conflict of interest. None was expressed.

Mr. Hoffman referred to the three questions the Commission asked staff to investigate.

1. The State's response to annexing land outside the Urban Growth Boundary.

Mr. Hoffman explained that he continued to contact the State's representative, but has been unable to talk with him personally. If the State was to object at some future point in the process, the portion outside the UGB could be withdrawn at any time. Mr. Hoffman explained that it is easy to make amendments with the Boundary Commission by simply presenting whatever the reason is, for withdrawing that portion of the annexation. He reminded the Commission that the Boundary Commission is recommending that the City annex down the slope to the stream.

2. The opinion of the Public Works Director as to the suitability of the road, as currently constructed, for use as a bike path.

The Public Works Director would only recommend accepting the dedication if it was done in a way that would be safe, sound and useful to the City. The current old roadway has been worked on in such a way, that there are portions that would appear to be in need of further work. Under the present road conditions, we would not be recommending acceptance. The condition would state that it would only be accepted upon the recommendation of the City Engineer, as having determined its stability and soundness.

3. The opinion of the City Attorney as to the City's liability in accepting the slope, and whether or not the City is interested in doing so. The City Attorney is of the opinion that there is no different liability in accepting land like this, as opposed to any other City-owned land, assuming that the circumstances and any construction that has taken place has been reviewed. Additionally, the City carries coverage for this type of liability claim. Mr. Kelley, of course, is assuming the City would not accept any land that was not in a sound condition.

Mr. Hoffman distributed a proposed agreement that the City Administrator reviewed and found would be acceptable, for taking responsibility for the lands on the Ellickson property, including conditions of approval of such an agreement. He further explained that this is the part that involves the City, and that there is a much more intense agreement between Mr. Nelson and the Ellicksons, whereby Mr. Nelson provides for sewer and water connections and the Ellicksons agree to vacate their drainage easement on the Nelson property. Additionally their agreement refers to some agreement regarding the type of development that would take place on the Nelson property with regard to architecture and size of units. The main element would cover an agreement that the type of homes would be comparable to the Ellickson home, in terms of size and value.

Applicant

David Nelson, 25610 SW Mountain Road, West Linn, stated that he reviewed the City portion of the agreement for the first time today. He further explained that this document must tie in with the full agreement between himself and the Ellicksons, to make sure all the elements are covered. Mr. Nelson explained that he spoke with Mr. and Mrs. Ellickson tonight and all parties are willing to move ahead with the Annexation application, but want to postpone the Conditional Use application until all issues are resolved to everyone's satisfaction.

Cathy Ellickson, 1625 S. Elm Street, stated that she agreed with Mr. Nelson.

Mr. Hoffman explained that the City would seek input from relevant experts with regard to the slope safety issue, in order for the City Engineer to make his determination.

The Commission requested that Mr. Nelson agreed to waive the 120 day requirement. Mr. Nelson so agreed.

The Commission agreed that in order to move ahead with the Annexation, a condition should be attached regarding the land dedication of the slope and its restoration to good condition before the City accepts it. Mr. Hoffman explained that the annexation

of the Nelson property, where there has been restoration of the slope is not affected by the agreement, and its dedication, would be part of the Conditional Use application, rather than the Annexation application. To the best of his knowledge, Mr. Hoffman explained that the slope on the Ellickson property has not had any recent changes and does not have the same problems attached to it, as the Nelson part of the slope.

Commissioner Schrader discussed the previous Conditional Use application's conditions of approval, which have not all been fully met. In particular, he addressed Conditions 11, 28, 31, 39, and 41. Dr. Schrader also expressed concern that there are units showing now, where none were planned previously. Further, he explained that he views this application (CUP) as a means to provide access to Village on the Lochs. Finally, Dr. Schrader expressed his concern that the Ellickson home will be surrounded by so many manufactured homes. He stated that he did not believe ^{this} was the intent of the law enacted by the Legislature.

The Commission unanimously agreed to recommend approval of the Annexation to City Council. The Conditional Use application will be continued to June 22, 1992, and will be first on the agenda.

Mr. Hoffman explained to the Commission that Mr. Nelson has submitted additional information with regard to his Design Review application, but staff has not had the time to review it yet, since the Conditional Use and Annexation applications have been pending.

MLP 92-02, an application by the Canby Elementary School District for approval to divide a 49.94 acre parcel into three parcels containing a 20 acre, a 0.8 acre parcel on Township, and a 29.14 acre parcel remaining in the County. The 20 acre and 0.8 acre parcels are being annexed by separate action.

Chairman Schrader explained the hearing process and procedures. He asked if any Commissioners had ex-parte contact or conflict of interest. None was indicated.

Mr. Hoffman reviewed the applicable criteria. He explained that, after reviewing the application and criteria, staff has found that each of the criteria has been met. The property is being annexed in a separate action, which has already been approved by the Boundary Commission and is now in the 45-day waiting period before it is final. The parcel consists of approximately 20.8 acres of the parent parcel of 49.94 acres, with almost 1,356 lineal feet of frontage along S.E. Redwood Street, with a southerly dimension of about 800 feet, and located behind S.E. Township Road frontage property. The school district proposes to develop the 20 acre site as a new elementary school, and the .8 acre parcel is to remain occupied by a single family home. The

subject property is generally flat with a slight slope and with adequate room for building and required setbacks and yards. The parcels are to be zoned R-1, Low Density Residential, and each parcel is large enough to provide adequate development space and yards. The partition, as proposed, will result in the creation of two rectangular parcels consisting of approximately 20 acres and almost 0.8 acres, respectively, with the remainder (29.14 acres) left in the County. The applicant will be required to provide any necessary easements for utilities as a standard condition of approval.

Mr. Hoffman explained that Canby's ordinance requires that any newly created parcels have access to public streets. The two parcels will have access to S. E. Township and S.E. Redwood, including a common easement(s) of wider than required width. Sidewalks are not present on the entire frontage. Currently, both Township and Redwood are not adequate widths. Ten feet of right-of-way along Township, and 25 feet along Redwood, should be dedicated at time of partition and half-street improvements along Redwood, and full-street improvements along Redwood, provided at time of development, including sidewalks. One-half of local street right-of-way shall be provided along the school's southern property and one-half street improvements provided.

A 20 acre site is adequate for an elementary school and physical education facilities, and a 0.8 acre site is adequate for a home. There is sufficient land to provide a setback and buffer strip and protect the future residential area to the south and west. Adjacent properties are expected to be minimally affected.

Applicant

Milt Dennison, Superintendent, Canby Elementary School District, stated that he concurs with the staff report. He further explained that the Minor Land Partition application was filed earlier than the owners of the .8 acre parcel decided to annex to the City.

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

1. The Commission discussed the legal description of the property contained in the application, under Metes and Bounds. It was agreed it should be amended, because it addressed Parcel 2 only, stating that parcels 1 and 3 would remain in the County's jurisdiction: The addendum did not cover the change either. Mr. Hoffman explained that it was amended when it was submitted to the Boundary Commission, to include the .8 acre parcel. Additionally, the County was not

willing to accept the small parcel under the division of property, so the owners chose to annex into the City and connect to the sewer system. The Commission requested documentation from the applicant stating that the .8 parcel wished to be part of the annexation.

2. Mr. Hoffman explained that he and the applicant met with property owners along the east side of Redwood, who requested that any construction on Redwood be done in such a way that none of their property landscaping would be affected. Therefore, the sidewalk is planned to be in the right-of-way of the school property. He added that there would be full-street improvements along Redwood and half-street improvements along Township.
3. A correction was noted in proposed Condition #12, where it was incorrectly stated to be 800 feet instead of 1,356 feet of frontage along S.E. Redwood Street.

Based on the findings and conclusions in the staff report dated May 1, 1992, on testimony presented, and on Commission deliberations, **Commissioner Zieg moved for approval of MLP 92-02, amending Condition #12 to read 1,356 feet. Commissioner Gustafson seconded the motion and it carried unanimously.**

CUP 92-05/DR 92-04, an application by Canby Elementary School District #86 for Conditional Use approval to construct a new elementary school and Design Review of the plans. The parcel is located on the south side of S.E. Township and Redwood Street. (Tax Lot 1100 of Tax Map 4-1E-3).

Mr. Hoffman presented the staff report. He reviewed the applicable criteria for both the Conditional Use and Design Review portions of the application. The northern neighboring parcel is a single family home to be retained by the owner. The properties to the east and south are farms, and to the west is the Township Village development. Upon annexation of the site, it will be zoned R-1, Low Density Residential. The site is entirely within the Urban Growth Boundary and meets the intent of the goals and policies regarding the Comprehensive Plan Urban Growth Chapter. Mr. Hoffman reviewed the applicant's contention that the school will actually reduce the burden on the sewer treatment plant and water system, because the children who will attend the school in the immediate future already attend or would attend existing schools and are already contributing flow to the system. Additionally, there will be some water savings devices and processes at the new school. All public utilities can be provided from Township Road and Pine Street, or extended from 99-E

via the Logging Road. Both a new interceptor and a water line is available at 99-E and Pine. Other utilities are also in Pine Street and Township Road. Service extensions will be required. The development will need to participate in the costs of service facility extensions. The Public Works Director has stated that the City has the capacity at the treatment plant and it will be "adequate" to serve the site. Until all the roads are adequately improved and safe routes are available, the school district has stated its commitment to bus all children. The proposed school and site development will have a substantial setback in all directions, with landscape treatment at all edges. Parking will be more than 100 feet from adjacent dwellings. Substantially more than the required 15% of the property will be in landscaping. Parking and loading, on-site, will be in excess of 100 spaces. Special-event, exceptional parking can be provided along the field or on one side of Redwood. The traffic consultant concluded, with the improvements along Township and Redwood, there would not be any transportation-oriented problems. Staff believes the proposed school and related development will not alter the character of the surrounding areas in a manner which will substantially limit or preclude the use of surrounding properties for home and farm uses. During meetings with the adjacent neighbors to find out about their concerns, staff concludes that the design, including views of Mt. Hood, street design, placement of sidewalks, etc., meets those concerns. Therefore, staff finds the proposal conforms with the standards of the applicable ordinances and recommends approval, with conditions, which include the school district providing a waiver of remonstrance against any improvements needed, in the future, for the S.E. Township Road/Ivy Street intersection.

Applicant

Milt Dennison described the layout of the ball fields and agreed they are available for community use. Mr. Dennison explained that only one ballfield was planned for the present, because that was all that was deemed necessary to support the proposed level of students. Another consideration for the district was the obligation not to infringe on the neighborhood with too many recreational areas.

Heinz Rudolf, 720 S.W. Washington, Portland, explained that the 20 acre site is very suitable. He explained that Mr. Dennison had explored many, many sites before finding this site, which fits the criteria for the design of the building. This site is within the Urban Growth Boundary and within the school district boundaries, and will serve well as a residential neighborhood school in an uncluttered setting with very large setbacks which will serve well to separate the building from adjacent neighbors. The entire development will appear as a park-like setting.

The design is organized in three major components. On the south side is the parking area, then the building zone, and then the fields. There is an easy circulation system for the parking areas. He described the parent drop-off circulation system and the bus drop-off circulation system built into the plans, which are clearly separated. There are more parking spaces allocated than the ordinance requires. Mr. Rudolf described the landscaping in the parking area and the placement of staff and handicap parking. There are forty additional spaces that can be utilized for after school or special events on-site. Additionally, there are more than 100 spaces available on Redwood that can be used for "overflow" parking for very large special events. To meet neighborhood concerns, the building and trees are located so as to preserve views. There is 86% turfed, green, park-like areas and 15% of hard surfaced areas. All the turfed areas will be landscaped and irrigated. The landscaping scheme is simple, but effective. Trees that will provide shade for the parking areas and screen them from the neighborhood are planned around the perimeter, and some of those areas will include berms. A four foot berm, topped with plantings, is planned to screen views of the service areas. The entire development was shifted 15 feet to the east, in response to adjacent neighbors' concerns about improvements on Redwood and construction, damaging their properties. No street improvements will touch neighboring properties, and all easements will be located on the school district's property. Mr. Rudolf then described the half-street (future S.E. 10th) fire/emergency access to the back of the building, through the parking area. Fencing is envisioned all along Township and the northerly line back to Redwood and the future 10th Avenue. All students will be bussed until there are sidewalks available. All utilities are available or can be extended to service the site. Drywells will be installed for on-site drainage. Mr. Rudolf then discussed the options and alternatives for sewer service, which he is still discussing with Mr. Klem. Mr. Rudolf reviewed the building design, referring to classrooms, administrative offices, the library, gymnasium, window placement, views, etc. The materials will include brick veneer, metal roofs, some stucco areas on the upper portions of the building, and tinted glass windows. The proposal includes neutral, warm, soft colors. The windows utilize natural lighting and the building was sited to take advantage of solar access.

Leon E. Sampel, 609 S. Redwood Street stated his concerns about traffic in the area, explaining that he was concerned that his landscaping would be trampled. Mr. Sampel stated that parking on the school side would be acceptable, but not on the west side of Redwood. Mr. Sampel was also concerned about trespassers ruining his property and about the traffic counts that were made. He felt they were taken during very quiet times and that all developments in the area should be taken into consideration, not just the school.

Betty Faist, 1866 S.E. 13th asked if Redwood would be developed all the way through to Township. Mr. Hoffman explained that the road would be widened at the main entrance to the development on Township and that land would be dedicated for eventual widening whenever and wherever we could get it.

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

Issues discussed:

1. The Commission discussed the issue of sewer hook-up. Mr. Hoffman discussed the alternatives available for sanitary sewer hook-up. He explained that the preferred, most feasible and least costly alternative appeared to come down from 99-E, through the middle of the industrial area, rather than directly along the Logging Road, to Township and then to Redwood. This would only be feasible if the district could obtain the necessary easements through the industrial area. Construction along the Logging Road would result in a longer distance to cover and a greater depth. The third alternative is to tie into the sewer near Pine Street and become part of the system that now services Township Village. Although there is capacity for that service, it would not open up as much of the southeastern quadrant of the City for ultimate development.
2. The Commission discussed whether the ballfield would be available for public recreational use. Mr. Dennison concurred that it would be available for after school and summer use by the community.
3. The Commission discussed access to the ballfield. Mr. Rudolf explained that there was access on the east side and the west side. Mr. Dennison stated he hoped patrons would park in the parking lots, rather than driving up to the field.
4. The Commission agreed the architects did an excellent job of designing the school.
5. The Commission agreed it was helpful to get a list of the kinds of trees and shrubs, rather than just seeing green dots on the plan.
6. Mr. Hoffman explained that he has met with the designers of Township Village and the developers of the Tofte property, asking that they provide, in their designs, connection to this intersection. In that way, people would be able to walk from the interior of the Tofte property and Township Village to this property, without going out to Township or 13th Avenue.

7. The Commission questioned whether additional ballfields are under consideration and if so, how they would be irrigated. Mr. Rudolf explained that a different irrigation plan would be necessary and, from a grading standpoint, it would be best to consider it now, rather than later. Mr. Dennison stated that they are ready to go out to bid, and it would be difficult to do now.
8. With reference to Mr. Sampel's concerns, Mr. Hoffman responded that there will be sidewalks built in every adjacent subdivision, hopefully, to encourage foot traffic via specific routes, rather than across private property. Additionally, Mr. Hoffman added that parking on both sides of Redwood should only occur for very special events. The Commission explained that people would have to stray 20 feet from their car (over a five foot sidewalk and 15' strip) to trespass on properties on the west side of Redwood. Mr. Rudolf explained that, after the neighborhood expressed concern about parking on Redwood, the architects moved the entire street 15 feet away from the property line on the west side of Redwood, setting aside another 5 feet for a future sidewalk, and then the 40 foot street would start.
9. With regard to the traffic congestion brought up by Mr. Sampel, Mr. Hoffman explained that Township will have to be widened in the not too distant future. At this time, dedication of space owned by the school and by the adjacent neighbor to the east, and construction of the road and sidewalk over that area, is all that can be required of the school. Further, Mr. Hoffman explained that only a curb will be put in on the west side of Redwood at this time, not the sidewalk. Extensions would be provided for driveways.
10. The Commission considered requesting that staff add a condition regarding the school's "fair share" contribution for a traffic signal at the intersection of Ivy and Township. Mr. Dennison pointed out that the traffic study stated Canby was a long way from needing one at that intersection yet. He added that the waiver of remonstrance was a mechanism to cover this aspect. The Commission agreed to leave the condition worded as recommended by staff in the staff report.

Based on the findings and conclusions contained in the staff report dated May 1, 1992 and the hearing conducted May 11, 1992, on testimony and on Commission deliberations, **Commissioner Maher moved for approval of CUP 92-05/DR 92-04 with conditions, as recommended by staff. Commissioner Mihata seconded the motion and it carried unanimously.**


VII. DIRECTOR'S REPORT

Mr. Hoffman suggested that if any Commissioner had planning concerns for discussion at the June 8, 1992 meeting, such input should be provided to staff prior to the meeting so it could be distributed with the agenda packets. Chairman Schrader suggested the Commissioners try to think of 10 minor concerns and 10 major concerns.

VIII. ADJOURNMENT

The meeting was adjourned at 10:35 p.m.

Respectfully submitted,


Joyce A. Faltus