

MINUTES
CANBY PLANNING COMMISSION
Regular Meeting
September 9, 1996
7:30 P.M.

APPROVED

I. ROLL CALL

Present: Acting-Chairman Ewert, Commissioners Schrader, Stewart, Dillon, Hartwell, Gerber and Keller.

Staff: James Wheeler, Planning Director; Lawrence Vasquez, Assistant Planner; and Joyce Faltus, Secretary

Others Present: Pastor Bruce Sloan, Beth Wemple, P.E., Chris Stanley, P.E., Wayne Livdahl, Bill Gould, Wayne Scott, George Wilhelm, Susan Sloan, Rudy Sandoval, Ernest L. Causey, Mike Eichenberger, Harry Irons, Bill Gould,

II. MINUTES

Commissioner Keller moved to approve the minutes of **August 12, 1996**, as amended. Commissioner Schrader seconded the motion and it carried unanimously.

Commissioner Stewart moved to approve the minutes of **August 26, 1996**, as amended. Commissioner Hartwell seconded the motion and it carried unanimously.

III. CITIZEN INPUT ON NON-AGENDA ITEMS

None

IV. FINDINGS

None

V. COMMISSION DISCUSSION OF PLANNING ISSUES

Acting Chair Ewert explained he has contacted some people regarding the AmShack, but has not heard back from them yet and he is still pursuing the issue.

The Commission asked if staff had forwarded the Commission's request to have a portion of N. Ivy improved at the same time N. Ivy was going to be extended to Territorial. Mr. Wheeler explained that he relayed the request to Mr. Hester, but it did not appear that such improvements would be part of the N. Ivy extension.

The Commission referred to a possible conflict in the SUB 96-03 Final Order, with regard to the number of trees. Condition #16 states that 6 street trees shall be planted, and Condition #8 indicates, under Option #2, that 3 street trees shall be planted. Mr. Wheeler explained that 6 trees will be required and that it would be straightened out with the developer. The Commission suggested amending the Final Order, but staff pointed out that the Final Order was already adopted and that the developer would be required to plant 6 street trees.

The Commission reviewed Commissioner Schrader's letter to City Council with regard to Delayed Annexation and an Inter-Governmental Agreement with Clackamas County, and wholeheartedly approved the content. No feedback regarding the letter has been received by staff.

The Commission reviewed Mr. Wheeler's memo with regard to the amount of Priority "A," "B," and "C" lands that are still available for annexation. In his memo, Mr. Wheeler updated annexation information to show that 70.4% of Priority A lands [low density residential] have yet to be annexed; 80.6% of Priority B [low density residential land] has yet to be annexed; and 93.3% of Priority C [low density residential] has yet to be annexed. Of the remaining low density residential land remaining to be annexed 263.93 acres are classified Priority A; 133 acres are classified Priority B; and 400.40 acres are classified as Priority C.

Mr. Wheeler reminded the Commission of the joint workshop for the City Council and School Board, October 2nd, at 6:00 p.m., in the Library. He related that an invitation was extended to the Planning Chair to participate in the open discussion. Further, he explained that the entire Commission is encouraged to attend. Commissioner Hartwell stated that he would be unable to attend.

With regard to the Oregon Development subdivision, Mr. Wheeler explained that the Board of Trustees of the United Methodist Church is recommending dedication of the property; however, they would like to be annexed, at no cost, into the City. In other words, the church would like the City to waive the annexation fees and cover the Portland Boundary Commission's annexation fees, in exchange for the property that is dedicated. The fees could amount to approximately \$2,500, Mr. Wheeler added.

VI. PUBLIC HEARINGS

ANN 96-03, an application by Wayne Scott Estates, Inc. [applicant] and Calvary Baptist Church [owner] for approval to annex a 5.04 acre parcel on the south side of N.E. Territorial Road, north of Highway 99-E, and adjacent to Willow Creek Estates [Tax Lot 600 of Tax Map 3-1E-27DB].

Acting Chairman Ewert reviewed the hearing process and procedures and referred to the applicable criteria posted on the wall. He asked if any Commissioners had ex-parte contact or conflict of interest. Commissioner Keller explained that, as a realtor, he may have a potential conflict of interest if he became involved in the sale of any parcels resulting from the development of this acreage. Commissioner Gerber explained that he leases property from Wayne Scott, but that it would have no bearing in his decision at this hearing. Commissioner Schrader explained that he visited the site and drew no conclusions. Additionally, he explained that he contacted the Clackamas County Transportation department with regard to signalization at the intersection of Territorial and Highway 99-E. Clackamas County told him that they had just received a call from ODOT recommending information about that intersection. No one in the audience had any questions for Commissioners Keller, Gerber, or Schrader. Commissioners Ewert, Hartwell, Gerber, Keller, Dillon and Stewart also stated that they visited the site but drew no conclusions.

Mr. Wheeler presented the staff report. He explained that the subject site is on Territorial Road, immediately adjacent to the Willow Creek subdivision, approximately 630 feet northwest of the intersection of Highway 99-E/Territorial Road. The two main issues the Commission considers when evaluating this application for annexation are the priority classification of the property and the traffic impacts that could result from the annexation. The subject property is classified as Priority "B" for annexation. He explained that during the past five years, the City has not had the opportunity to consider an annexation application for Priority "B" land. The application for Willow Creek subdivision, also classified as Priority "B" for annexation, was considered and approved in 1989. Regarding traffic impact, Mr. Wheeler explained that Highway 99-E is a State highway and Territorial Road is a County road. At the time the staff report was written, no comments had been received from the County. Comments received from the State contained no specific comments, at that time. Prior to this hearing, staff received a letter from Evelyn Rayfield, ODOT Planner, who stated that after reviewing the application, she realized she did not have sufficient information to provide a response. Further, Ms. Rayfield explained that ODOT contacted Clackamas County for more information and expects to receive it shortly. Based on that, Ms. Rayfield requested a postponement of the September 9th public hearing, or that the record be left open for ODOT to respond to information it receives from the County. In her letter, Ms. Rayfield further explained that ODOT was concerned about the cumulative impacts of the various proposals on or near Highway 99-E and, after analyzing the information she receives, would be better able to provide guidance to the City on the safe and efficient management of the State highway. Mr. Wheeler added that staff submitted the traffic study for this application and for another annexation application that is forthcoming before the Commission, and one that was done by the New Life Foursquare Church on the southeast corner of Highway 99-E/Territorial, who has an application before Clackamas County for expansion of the church. Mr. Wheeler explained that the Commission is not obligated to grant the continuance because the application goes before City Council in an open public hearing format after the Commission hearing, and is not based strictly on the Commission record, as new evidence can be submitted. Staff did confer with the applicant regarding this issue, and the applicant has no objections to leaving the record open or to continuing the hearing for ODOT's input.

The City hired Kittleson & Associates to study the impact potential development that this site would have on the intersection of Territorial/Highway 99-E and on Territorial Road itself. A traffic count was taken at the intersection of Teakwood/Territorial, and determined that the amount of traffic that is generated by the Willow Creek subdivision aligns very closely with the standards used by the Institute of Traffic Engineers (ITE). The portion of the traffic study regarding the intersection of Highway 99-E/Territorial indicated that during the p.m. weekday peak hour there is a Level of Service "F" - which means approximately a 90 second delay for vehicles trying to access Highway 99-E from Territorial Road, especially going toward Oregon City. The traffic study analysis of the area included only currently approved applications, without considering pending annexations, and indicated that in two years time the level of service would remain at "F," and there would be approximately a 3 minute delay to access Highway 99-E from Territorial. Mr. Wheeler explained that the majority of that delay is caused by traffic generated on Highway 99-E. Considering the scenario two years down the line, annexation and the development of the subject site would add approximately 8 seconds to the projected delay time - an approximate 4% increase in delay time. Although the 8 seconds is considered a minor impact, the major concerns center around cumulative impacts. If the intersection was signalized, the level of service could drop to "B." ODOT has traditionally indicated that although signalization is warranted, since the area does not have the appearance of being urbanized, it, cannot justify signalization at this time. But ODOT is, once again, reviewing the situation at this intersection and, hopefully, comments will be received by the next meeting about what possibilities exist with regard to signalizing the intersection.

Another concern is the Sunday morning traffic in this vicinity. There are 3 churches in or near this intersection, although they are located in the County. The Seventh Day Adventist Church holds services on Saturdays, so it does not impact Sunday traffic. A traffic study indicated that Sunday morning traffic was at a level of service "E". Mr. Wheeler explained he has a copy of the traffic study done by the Foursquare Church, which indicated a level of service "F." The Foursquare Church did its study in the Spring of the year, while the other study was done in the summer, when attendance at church service attendance tends to be a bit lower - which might count for the differences in the levels of service indicated. In any event, level of service "E" and "F" are both very poor, he added.

The staff report alludes to the fact that there would be little, if any, benefit to the City of Canby if the subject property is annexed. But, should signalization become a possibility, while systems development charges would not pay for the full cost, development of the property would help fund it, as well as possibly driving ODOT to permit it, which would benefit the City, as discussed at a recent City Council meeting when discussing safety at that stretch of Highway 99-E. Therefore, staff recommends continuing this hearing to September 23, 1996 as, although ODOT will not necessarily make a determination regarding the signalization issue by the next meeting date, a meeting will hopefully be arranged between the City, County, and ODOT to discuss the potential for a signal at this intersection.

The Commission asked if the developer was aware of the traffic situation at the intersection in question and if the developer was willing to do anything beyond the SDCs to ensure signalization. Mr. Wheeler explained that the developer was aware of the situation but no discussions have been held regarding it, nor have any offers been made about anything beyond SDCs.

The Commission questioned the future zoning of the site. Mr. Wheeler explained that, after annexation, the site would be zoned R-1, Low Density Residential, as designated in the Comprehensive Plan. Furthermore, Mr. Wheeler explained that the majority of the property between the subject site and the railroad tracks is designated as industrial in the Comprehensive Plan. A portion of the Willow Creek Phase II site was designated for industrial in the Comprehensive Plan, but was rezoned to R-1, Low Density Residential. Mr. Wheeler stated he believed the remaining industrially zoned property would be rezoned to low density residential during the Periodic Review of the Comprehensive Plan.

Commissioner Schrader moved to continue ANN 96-03 to September 23, 1996, for input from ODOT. Commissioner Gerber seconded the motion and it carried unanimously. The applicant concurred with the motion, but explained that the property owner would be out of town on September 23, 1996.

Pastor Sloan of the Calvary Baptist Church explained that he would be unavailable at the next hearing date, and asked to testify. Mr. Wheeler also explained that representatives from Kittleson and Associates were in attendance and would be willing to respond to questions. The Commission agreed that Pastor Sloan could testify and opened the public hearing for his testimony.

Proponent

Pastor Bruce Sloan, 883 N.E. 10th [Pastor of the Calvary Baptist Church] explained that he is not opposed to a continuance and that he is aware that the traffic study has become a major issue. He questioned whether the Commission would be able to make a decision regarding this application at the next meeting in light of the fact that ODOT would probably not be making a recommendation at that time. The property, he explained, was purchased in 1987 with the intention of building a church facility but, to date, funding has not been available to do so. Last September the Board evaluated how much property would actually be necessary to do so, and agreed that 3 acres would be sufficient. In order to raise funds, it was decided that a portion of the property could be sold. After further evaluation, they discovered that the site was too restrictive and that two egresses would be counter-productive with regard to good site visibility and safety, and the site went on the market. At the present time a more suitable site has been found, which is less restrictive than the subject site and would, therefore, provide the funds to develop the future worship and education center. Mr. Sloan explained that he is not opposed to the traffic study and encouraged the Commission to recognize that, in the event ODOT does not have a recommendation in the near future, the traffic study should remain a separate issue from the annexation request. If approval of this application is contingent on the traffic study, the Calvary Baptist Church's future plans and the applicant's plans would be hindered, he added.

Representatives from Kittleson & Associates were in attendance and offered to present information to the Commission.

Beth Wemple, Kittleson & Associates stated that due to the delay problem and level of service, traffic warrants for signalization at the intersection of Territorial/Highway 99-E have been met. Ms. Wemple explained that the 94 second delay earlier referred to, is an observation based on the worst 15 minutes in the p.m. peak period. With the development that is slated to occur if this annexation is approved, there would be additional delay time of about 80 seconds, she added. Based on past work done at this intersection, Ms. Wemple agreed that the safety issue is a major concern, adding that it appears to be caused more by the stretch of road on Highway 99-E, than by the intersection itself. The accident history that ODOT relies upon, which includes 5 accidents and 1 fatality, indicates that there has been more of a history of accidents on the structured roadway of Highway 99-E than at the intersection itself. She added that the accident rate on this structured roadway is lower than other roadways within Canby, which data should show up on the ODOT report, she pointed out. Signalization at this intersection would dramatically reduce the delay, Ms. Wemple stated, adding that her delay statistics are based not only on the proposed development of the subject site, but on further buildout of Willow Creek, buildout of Willamette Commons, plus an additional 75 units in the area, presumed to take place within the next two years. Ms. Wemple explained further that ODOT has previously stated, both in the Access Management Plan and in the Transportation Systems Plan, that traffic moves at very high speeds on that stretch of Highway 99-E, which most drivers consider a very rural area even though it is very close to the City limits, and that people do not expect to see a traffic signal in so rural an environment. ODOT has maintained that placing a signal at this intersection would cause many more rear-end accidents because it would be totally unexpected, and drivers would have to stop quickly while traveling at very high speeds.

George Wilhelm, representing the applicant asked, from a traffic engineering standpoint, if ODOT has a good argument with its "rural" philosophy regarding the signalization of this intersections. He asked if it might be prudent to suggest ODOT place a caution warning light at the top of the hill approaching this intersection. **Ms. Wemple** responded that posted speed limits could be more thoroughly enforced at the subject intersection and stretch of Highway 99-E, and that advanced warning signs might slow traffic somewhat. She added that a signal would require a preemption device which would clear out the eastbound approach to the intersection when a train is approaching, and would work in conjunction with the railroad tracks, She added that this device would incur additional costs. It was pointed out that such a device has been installed at all the railroad tracks in Canby, except for Berg Parkway. For example, the device on S. Ivy Street is triggered when the railroad arms descend, and the traffic light goes to a blinking yellow signal on Ivy and is red on Highway 99-E, to clear out automobile stacking from the railroad area.

The motion to continue the hearing to September 23, 1996 having been previously made and seconded, was approved unanimously.

DR 96-10/CUP 96-03, an application by Wayne Livdahl [applicant] and Willamette Valley Country Club [owner] to construct a 23,000 square foot clubhouse building at the Willamette Valley Country Club, located on the north side of N.E. Territorial Road east of N. Maple Street [Tax Lots 190, 200, 203, and 210 of Tax Map 3-1E-28 and Tax Map 3-1E-28A].

Acting Chair Ewert reviewed the hearing process and procedures and referred to the applicable criteria posted on the wall. He asked if any Commissioners had ex-parte contact or conflict of interest. Other than visiting the site, but drawing no conclusions, none was indicated. There were no questions from the audience.

Mr. Vasquez presented the staff report. He explained that an addendum was received today, requesting approval to place a temporary modular building on the site, to be used as a temporary clubhouse. The modular would be removed upon occupancy of the new clubhouse. Since this new request was received after the staff report was written, it is treated as new material and notices have been sent out to inform adjacent owners of this new development in the application. Mr. Vasquez recommended that the hearing be opened and testimony taken, but that it remain open for possible comments from concerned citizens, as concern was expressed by a nearby neighbor earlier today, prior to receiving the amended request.

The new clubhouse is proposed to be a 23,000 square foot, 2-story structure, and will replace an existing 9,000 square foot building. The structure will include dining and banquet facilities, locker rooms, a cart storage facility, and a pro-shop. The design of the building is described as "residential" and is planned to compliment the surrounding residential area, and will be painted in earthtone colors - browns and tans. It will be sited on the western portion of the golf course and country club facility, and will be located on four tax lots, a combined total area of 8.13 acres. A sixty foot wide entrance from N. Maple will be constructed with two 20' traveling lanes to provide ingress and egress. Although pedestrian access from N. Maple is not included in this proposal, Section 16.10.070(B)(5) requires sidewalks to be extended from the ground floor entrance to the sidewalk of the public street [N. Maple] which provides ingress and egress. In excess of 50% of the non-golf course area will remain in landscaping. After discussions with an arboricultural consultant, the applicant proposes to remove 25-28 existing trees, and to replace them with 75 new trees. Staff explained that the applicant is proposing to plant 38 more trees than what is minimally required by this application. The proposed tree removal is necessary to accommodate construction of the building and parking areas. The landscape plan clearly indicates the locations of the trees to be removed and where new planting will take place. There are new landscape areas around the perimeter of the lot, in the parking lot medians, and on the north and south side of the main entrance to the new building. Wheel stops will be required for all parking spaces that front landscaping. One hundred fifty-four parking spaces are required, and 168 spaces are proposed, which includes 8 ADA spaces. It is required that at least one of the ADA-accessible parking spaces be van-accessible with an 8-foot access aisle, but none have been designed with the access aisle although such aisle can be easily accomplished, as the parking spaces are

designed to be 10 foot wide. Moreover, ADA accessible parking spaces have to meet access requirements to the building itself, via walkways and striped paths from the parking spaces. The maximum height requirement [35 feet] has been exceeded by 2 feet, but the additional 5 foot setback requirement required under the conditional use permit has been met by the proposed development. Staff believes that the additional setback requirements to be in conformance with the standards for approving conditional uses, are met by the proposed development.

With regard to the proposed temporary building, Mr. Vasquez explained that it would be located west of the existing parking area and north of the existing access drive. As proposed the temporary building would be used as a clubhouse meeting room while the main clubhouse facility is being constructed, from approximately November, 1996 to late summer of 1997. A 30 foot setback from the northern property line is proposed, and placement of the building will require the removal of an additional tree. An asphalt access pathway to the temporary clubhouse building ramp is also proposed, both of which will meet all ADA requirements.

The Commission questioned the need for pedestrian access from N. Maple to a building located on private property. Mr. Vasquez referred to Section 16.10.070(B)(5), which requires sidewalks to be extended from the ground floor entrance to the sidewalk of the public street that provides the required access and egress. Mr. Wheeler referred the Commission to the Transportation Planning Rule which talks about alternative means of transportation, other than vehicle access, in trying to promote/encourage pedestrian access. Walkways between public streets to buildings is an element of this rule. He pointed out that it is more dangerous to walk along a vehicle travel lane if a pedestrian access is not provided.

Applicant

Wayne Livdahl, 286 NW 4th Avenue stated that he is representing Willamette Valley Country Club. Mr. Livdahl introduced Bill Gould and Harry Irons, members of the Country Club. Mr. Gould, he explained, is a neighbor to the north of the site, former president of the club, and member of the steering committee. Mr. Irons, he added, is the current president of the club.

Mr. Livdahl explained that he has been a member for 13 years, during which time four proposals for a new clubhouse were proposed and rejected. Parking has nearly doubled and is heavily landscaped with many new trees and shrubs and is totally irrigated. Willamette Valley Country Club has had full membership for the last 8 years, so there should be no traffic increases due to increased membership. The Club has no intentions of exceeding its 500 membership cap, as it is difficult enough to make reservations at the present time. Mr. Livdahl explained that Mr. Gould lives in one of the three residences to the north, the backyards of which face the golf club, and could address the buffering issue. As no detailed kitchen plans have been submitted, Mr. Livdahl explained that he

was confused as to what the grease trap issue meant. The applicant recognizes and concurs with the need for a sidewalk on N. Maple Street, and pointed out that 4 trees will have to be removed to construct the sidewalk. The private sidewalk to the club from N. Maple is a bone of contention, he added, because rarely does a member walk to the club. Local residents who are members of the club either access the golf course with carts or drive to the site. With regard to the present pro-shop, Mr. Livdahl explained that if retained, it would be painted and made architecturally attractive so as to conform with the new clubhouse, and could be used as a junior clubhouse or an indoor practice center for the winter time. Furthermore, Mr. Livdahl stated that a sign proposal has been submitted, which would architecturally match the clubhouse. Additionally, the temporary clubhouse is brand new, and is not even under construction at the present time. It will be attractively colors and skirted, and will blend in well.

Bill Gould, 2550 N. Maple Court stated that he is one of three homeowners on the northern boundary of the new clubhouse, who would be affected by the proposal. Mr. Gould explained that his backyard is fenced in and that he would prefer to plant whatever trees and shrubs he'd like, as a buffer, on his own property, if a buffer became a necessity. He further stated that he believes the other neighbors would feel the same way. Further, he added that although the temporary structure might be a minor hindrance, all the neighbors look forward to the permanent clubhouse. Of the three abutting properties, Mr. Gould stated that he is the only member of the Country Club. The buffer on the south side was installed due to a request by the then neighbor to the south, who has since moved. Although those trees are on the club property and were paid for by the club, the then neighbor agreed to maintain them. With regard to a sidewalk from N. Maple, Mr. Gould stated that it is not a necessity and he rarely, if ever, saw a member walk into the club. N. Maple, he added, is a popular walking/jogging area, and a sidewalk from N. Maple to the club might become an attractive nuisance for the club.

The Commission discussed:

1. Concerns submitted by the Fire Department were discussed. Mr. Vasquez explained that the comments were received prior to the Fire Department having the opportunity to review the site plan. As the person who submitted the comments is on vacation, Mr. Vasquez was requested to follow up on them and, since the hearing was going to be continued for two weeks, to report back to the Commission.
2. The Commission asked for more information about input received from the City Administrator regarding the buffering of residences. Mr. Vasquez pointed out that residences to the south are buffered by an existing hedge, but that there was no buffering proposed for the residences to the north.
3. The Commission asked for more input regarding Mr. Hanson's comments about requiring grease traps.

4. The Commission commended the applicant on the project, especially the tree retention portion of the proposal.
5. The Commission requested input from the other two neighbors abutting the club to the north, as to whether or not they feel a buffer is necessary, considering the construction time, noise, use of building during construction, etc.
6. The Commission reiterated, based on the applicant's previous testimony, the fact that by replacing a 9,000 square foot single story structure with a 23,000 square foot two-story structure, membership would not be increased. The applicant concurred, adding that there is talk of reducing membership due to length of waiting time for tee time. He added that there is more play at this club than at any private club in the greater Portland area, at 55,000 rounds, which is almost at the municipal golf level.
7. Regarding the access, Mr. Wheeler explained that the access to the site is 60 feet wide. Because of the parking lot and the number of parking spaces, the staff report refers to requiring two 20 foot access lanes - two 20 foot one-way lanes. The applicant is looking at combining the two separate 20 foot accessways into a single access which will be 60 feet wide. Mr. Livdahl explained that one of the architects conferred with the Fire Department, to assure them that fire trucks could get completely around the new facility.

There was no one present to speak in opposition to the application.

The Commission discussed the timelines involved in the 120-day process with respect to the continuance, signing of the final order, appeal period and the time frame for issuing a building permit. The applicant had no objections as long as pre-construction conferences could be held to ensure that everything was flowing smoothly.

Commissioner Schrader moved to continue DR 96-10/CUP 96-03 to September 23, 1996. Commissioner Gerber seconded the motion and it carried 6-1, with Commissioner Hartwell voting nay.

VII. DIRECTOR'S REPORT

Responding to the Commission's request to have Ray Bartlett come before the Commission to address the Systems Development Charge methodology, Mr. Wheeler explained that it would be costly. The Commission requested that Mr. Wheeler obtain the methodology history in writing from Mr. Bartlett and, after reviewing it, suggest that the City Administrator respond to any questions that might develop.

Commissioner Schrader suggested that the Parks SDC should be reviewed and updated.

Commissioner Gerber requested that the potential for school SDCs be investigated. He pointed out that Oregon City is putting an initiative on the ballot in the hopes of developing a schools SDC, and suggested John Kelley investigate the issue with Oregon City.

Regarding the traffic signal at S. Ivy/13th Avenue, Mr. Wheeler explained that it has been delayed until the beginning of the new year. Commissioner Schrader advised that progress is being made, and that the bid will be out as of this week.

With regard to the Transfer Station, Mr. Wheeler explained that they have applied for a grading permit. Delays have occurred due to the design, implementation, and building of the bioswales.

VIII. ADJOURNMENT

The meeting was adjourned at 10:25 p.m.

Respectfully submitted,



Joyce A. Faltus