

MINUTES
CANBY PLANNING COMMISSION
Regular Meeting
September 23 1996
7:30 P.M.

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: George Wilhelm, Wayne Scott, Beth Wemple, Wayne Guild, Bill Gould, Harry Irons, Mike Eichenberger.

II. MINUTES

None

III. CITIZEN INPUT ON NON-AGENDA ITEMS

None

IV. FINDINGS

None

V. 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 I [Tax Lot 600 of Tax Map 3-1E-27DB]. **Continued from September 9, 1996**

Vice-Chair Ewert reviewed the hearing process and procedures and referred to the applicable criteria posted on the wall. He asked if any Commissioner had ex-parte contact or conflict of interest to declare. Commissioner Keller explained that, as a realtor, he has a

potential conflict in that he could become involved in the sale of lots after the property is developed. There were no questions asked of Commissioner Keller by anyone in the audience. Other than visiting the site but drawing no conclusions, there were no additional conflicts of interest or ex-parte contacts indicated.

Mr. Wheeler related that he had a meeting with ODOT and the County recently. During that meeting, the County representative stated that without signalization at this intersection, he would recommend denial of the Foursquare Church's application to expand its facility. In order for ODOT to recommend signalization at the intersection, they would have to conduct two 8-hour traffic counts at the intersection, which they were planning to do last week. The results of the traffic counts have not been received yet. It would appear, based on conversations during the meeting, that even if ODOT recommends signalization, the costs of such signalization would not be borne by ODOT unless the results meet safety warrants of 5 signal-preventable accidents in the past 12 months. The P.M. peak warrant, which the intersection does meet, is not rated highly on ODOT's list of priorities regarding warrants for signalization. Under the SDC methodology and under the list of projects funded by the Transportation SDCs, this intersection signalization is tagged for 100% State funding. Approximately \$9000, which is earmarked for signalization of this intersection, has been collected prior to the effective date of the Transportation SDC, although signalization at this intersection could cost approximately \$150,000 - \$200,000.

Applicant

George Wilhelm, P.O. Box 561, Woodburn 97071 stated that, for the most part, the applicant concurs with the staff report. He explained that the report indicates that this site is bounded by rural residential development on three sides, but it is actually bounded by rural residential on two sides, and by the City limits on two sides. Mr. Wilhelm stated that although the main issue in question appears to be the traffic control issue at the intersection of Highway 99-E/ Territorial, he suggested that the Commission approve the application with the condition that no further development occur until the traffic control situation is resolved. Further, the applicant does not object to a continuance.

Wayne Scott, 1988 NE 19th stated that he received the Transportation Study today, but is not sure how to interpret it. Mr. Scott noted that the study was done during the week the Clackamas County Fair was open, on a Friday and on a Sunday. He added that he has lived in the vicinity of the intersection in question for more than 4 years, and estimates that he utilizes that intersection for at least 10 trips a day. Mr. Scott explained that he does not expect that the State will fund the signal at that location, mainly due to the fact that it will not meet the safety warrant criteria of 5 signal-preventable accidents in the past 12 months. From a developer's standpoint, funding the signal would be impossible. Further, Mr. Scott stated he is not opposed to a continuation. He requested that the Commission continue its deliberations, so the owners of the property might see where to direct their efforts in seeking a new site for the church.

Commission deliberation included:

1. The current ODOT Traffic Study was discussed, as was the 1994 traffic study done at this intersection. Mr. Wheeler explained that the level of service at the intersection in question is "F." Beth Wemple, Kittleson & Associates, explained that a level of service "F" is attained if the waiting time at an intersection exceeds 45 seconds. The average delay at this intersection is in excess of 90 seconds. At buildout time, approximately 2 years from now, there would be an approximate 4 percent increase in the delay time due to the annexation and development of this property. Ms. Wemple further explained that when traffic studies are done, the way people accept and react to gaps is taken into consideration. For instance, some people rush out of the intersection and pull into the left turn lanes on Highway 99-E to wait for an opportunity to pull into the flow of traffic.
2. Mr. Wheeler related another option discussed at the meeting with ODOT and the County. The County referred to the Foursquare Church's suggested solution of left turn lane, which Clackamas County felt would be a nominal solution, at best. Mr. Wheeler also pointed out that in the Access Management Plan, which has not yet been adopted, there is talk about reviewing a grade-separated intersection. Such separation, he added, would cost significantly more than signalization.
3. The Commission discussed advanced financing options. Mr. Wheeler agreed that this option is available, although he pointed out that the developers would have to front the money and reimbursement would come at a later time. The Commission could not require this option though.
4. The Commission discussed the options that might be available by amending the Transportation System Plan. Mr. Wheeler explained that costs would have to be investigated to amend the Transportation Plan and the costs would have to be translated into amendments to the SDC charges, which would go before the City Council in resolution form. The Transportation System Plan amendments go to the City Council and then to DLCD.
5. The Commission discussed the Comprehensive Plan Priority designations for lands to be annexed. Discussion was held regarding the Priority "B" designation for this site, noting that 70% percent of Priority "A" land remains available for annexation.

No one was present to testify in opposition.

Based on the foregoing, Mr. Wheeler recommended that the Commission continue deliberating toward a decision. Mr. Wheeler suggested various options the Commission was faced with, depending on whether or not ODOT approves the signalization. If ODOT approves signalization at the intersection, without State funding, he added, the Commission could recommend amending the Transportation Plan to include signalization of this intersection, although, at the present time, it is not an option in making a final decision.

Commissioner Schrader moved to continue ANN 96-03 to October 14, 1996 in order to receive and review the ODOT report. Commissioner Gerber seconded the motion and it carried 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]. Continued from September 9, 1996.

Acting Chair Ewert reviewed the hearing process and procedures, noting 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 coming to no conclusions, none was indicated.

Mr. Vasquez distributed a supplemental staff report covering information the Commission requested and new information received.

1. The buffering issue did not arise from complaints, but from the City Administrator's concern for neighboring homes to the north.
2. The grease traps issue will be handled as part of the building permit process, as a data disclosure form will be required which reports the handling and disposal of materials and products used. Food service areas are a specific part of this report.
3. The Fire Department was concerned with the looped water system and fire hydrants. They are requiring that the developer provide a looped water system to connect to Maple Street. Additionally, they are requesting that the hydrant near the covered entrance to the clubhouse be relocated to the west and that two additional hydrants be located to the north and east of the clubhouse.

The above three concerns are addressed in proposed conditions 7, 8 and 9.

4. Conditions 11 and 12 address the placement of the temporary clubhouse.
5. Plans for a 14 foot x 5 foot, free-standing sign with a cast stone base were submitted. The lettering will be either bronze or engraved wood, and a planter area will surround the sign. Colors and materials will match the clubhouse design and it will be located to the north of the main entranceway.
6. Mr. Vasquez reported that the applicant has confirmed that the club is at full membership. He suggested adding an additional condition of approval requiring

that any proposed increase in membership be subject to a further conditional use review and approval.

Mr. Vasquez then reviewed the fifteen recommended conditions of approval.

Commissioner Schrader recommended that the Commission consider adding an additional condition adopting the tree plan, as submitted. Further, he addressed his concern about the lack of a condition requiring the construction of the sidewalk on N. Maple. Dr. Schrader also recommended that the Commission include a condition adopting the sign plan, as submitted.

Applicant

Wayne Livdahl stated that there are four fir trees that will have to be removed to construct the sidewalk on N. Maple Street. He stated that it was brought to his attention that there have been sidewalks constructed in a meandering fashion to save trees, noting the very large tree on the north end of the property. Mr. Livdahl requested input from City staff regarding this issue. Further, he emphasized that the issue of a concrete walkway to be constructed between the public sidewalk on N. Maple and the entrance to the building, should be reconsidered again as it would be very rarely, if ever, used. Mr. Livdahl also pointed out that the building will have a sprinkler system. He asked that the applicant be permitted some input regarding the location of the fire hydrants, especially as the membership includes firefighters. Mr. Livdahl explained that there will be no brick on the building. Depending on the bid, the building will either be stone or wood, so the sign portion of the application should be amended to read "stone or brick," deleting the word "brick." Regarding the membership cap, Mr. Livdahl stated that membership would most likely be reduced, not increased, but members might use the new facility more often, especially the restaurant and bar portion of the facility. Adding a condition that would restrict membership is intrusive, he added.

Proponents

Bill Gould, 2550 N. Maple Court stated that he is one of the three residents to the north of the area where the temporary clubhouse will be placed. He has spoken with Mr. Ingals, another homeowner to the north, who is not opposed to the proposal. Mr. Ingals was only concerned where the door would be and Mr. Gould told him it would be opening to the south. The other neighbor, John Pursley, who has no opposition to the proposal. Additionally, Mr. Gould addressed the issue of membership, stating that there is more discussion regarding decreasing membership, than of increasing membership. Furthermore, he added, the by-laws will not permit more than 500 members.

There was no additional testimony either for or against the proposal.

Commission discussion included:

1. The Commission discussed the feasibility of meandering the sidewalk on N. Maple in order to save trees. Mr. Wheeler explained that staff would review the situation to ensure that proper easements and rights-of-way are available and that such construction would actually save the trees.
2. The Commission discussed the need, or lack thereof, of constructing a sidewalk from N. Maple to the clubhouse on private property. It was agreed such a sidewalk was not necessary, especially as the club is not walled in or gated and, instead, is situated in a welcoming setting.
3. The Commission discussed the limiting of membership as being intrusive upon the Country Club.
4. The Commission discussed the issue of the noise level that could possibly be generated from the temporary clubhouse in light of its proximity to residential boundaries. Mr. Wheeler pointed out that the City does have a Noise Ordinance which regulates noise levels in residential neighborhoods.
5. The Commission discussed the amended sign proposal and agreed that as long as it matched the building, it was acceptable.
6. The Commission directed staff to work with the applicant to ensure that the fire hydrant(s) are unobtrusive and approved by the Fire Department..

Commissioner Gerber moved to approve DR 96-10/CUP 96-03 with the following conditions:

Prior to the issuance of the Building Permit:

1. A preconstruction conference shall be held prior to the issuance of the building permit. The conference shall be coordinated through the Planning Office.

For the Building Permit Application:

2. A detailed landscape construction plan shall be submitted with the building permit. The detailed landscape plan shall show: the number of plants, plant spacing/location of planting, the type of plants, the size of plants, the schedule of planting, and irrigation plans.
3. The landscaping shall be planted at such a density so as to provide a minimum of 95% coverage of the landscape areas with vegetation, within a 3-year time period. Bark mulch and similar material shall consist of not more than 5% of the total landscape area after the 3-year period. The plant spacing and starting plant sizes shall meet the ODOT plant spacing/starting size standards. Trees are to be a minimum of 2" in diameter at the 4-foot height.

4. All ADA parking spaces are to have access aisles. A minimum of one access aisle shall be a minimum width of 8 feet. All other access aisles are to be a minimum width of 6 feet. All ADA parking spaces shall meet ADA codes for access to the building.
5. Wheel stops shall be provided for all parking spaces located adjacent to landscaping or walkways. The wheel stops shall be placed two (2) feet in front of the end of the space. The ADA parking spaces shall be designated as such with signs.
6. All stripes designated parking spaces shall be a minimum of 18 feet in depth.
7. A detailed utility plan which identifies a loop water system with a connection to Maple Street that meet the requirements of the Canby Fire District.
8. A detailed utility plan that shows the relocation of the proposed fire hydrant from the covered clubhouse entrance to a location in the landscape median, west of the clubhouse entrance.
9. A detailed utility plan will identify the placement of two (2) additional fire hydrants to the north and east of the clubhouse that are serviced by the loop water system.
10. Any associated food service operations will provide an acceptable method of waste disposal as approved by the City of Canby Sewer Treatment Plant Operator.
11. The temporary clubhouse facility will maintain the 30 foot setback from the northern property line as proposed.
12. The temporary clubhouse facility will provide asphalt access path that will meet city and ADA accessibility standards.
13. The temporary clubhouse facility will provide an entry ramp that meets the city building code and ADA accessibility standards

During Construction:

14. Erosion-control during construction shall be provided by following Clackamas County's Erosion Control measures.

Note:

15. The sidewalk along N. Maple shall meander as is reasonably possible to allow for the retention of mature trees and to provide for adequate utility and public easements and the health and safety of the trees.

16. The entry sign shall emphasize the materials and colors similar to the exterior of the clubhouse facility.
17. The proposed tree plan shall be followed as represented in the landscape plan and additional trees may need to be removed to provide for the sidewalk along N. Maple Street and the temporary building.

Commissioner Stewart seconded the motion and it carried unanimously.

Acting Chair Ewert announced that **ZC 96-01 would be continued to October 14, 1996.** Mr. Wheeler explained that the Canby Herald Newspaper did not print the public hearing notice, so the legal notice requirements have not been met.

ANN 96-04, an application by Wayne Scott [applicant] and Evangelical Church, Theresa Vallego, and Bryan and April Thompson [owners] for approval to annex 9.71 acres into the City of Canby. The property is located on the east side of the Logging Road, north of Highway 99-E, and west of N. Redwood Street [Tax Lots 1100, 1200, 1300 and 1301 of Tax Map 3-1E-34B].

Acting Chair Ewert noted that no one had arrived since he reviewed the hearing process and procedures, so he refrained from reading it again. He referred to the applicable criteria posted on the wall, and asked if any Commissioner had ex-parte contact or conflict of interest. Commissioner Keller explained that, as a realtor, he might have a potential conflict of interest in that he may become involved in the sale of properties in the future development. No one from the audience had any questions for Commissioner Keller. Other than visiting the site, but coming to no conclusions, no other conflicts or ex-parte contacts were indicated.

Mr. Vasquez presented the staff report. He explained that the subject site is located in a Priority A for annexation area, according to the Comprehensive Plan. The subject site is located on the east side of the Logging Road, west of N. Redwood Street. Mr. Vasquez corrected the future zoning designated noted in the staff report, explaining that, once annexed, the property would be zoned R-1. Currently, the four lots that are part of this application each have one house situated on it, are currently zoned RRFF-5, are in the Canby Urban Growth Boundary. The parcels to the north and west of the subject site are in the City and are zoned R-1. Property to the east and south, although not in the City limits, are within the Urban Growth Boundary. The applicant ultimately intends to develop the site into approximately 50 residential sites. As N. Redwood Street is proposed as a collector street, with development of the property, it would have to be widened with sidewalk and curb improvements.

The Highway 99-E Access Management Plan designates a level of service "B" for the non-signalized intersection of N. Redwood/Highway 99-E. As part of this application, a

traffic study was done to assess the impact of the annexation and future development of this site, on the intersection in question. The traffic study results indicate that the intersection currently operates at a level of service "A" during the a.m. peak hours, and at a level of service "B" in the p.m. peak hours. Further, the study indicates that with the development of the site, the intersection will operate at a level of service "C," which would have an average total delay time of 10-20 seconds. The results of the study concluded that signalization of the intersection, as a result of this annexation and future development, was not necessary, as the intersection could adequately accommodate the additional growth generated by the proposed development. Previous Commission discussions included concern that development of the site could add additional traffic backup on Highway 99-E, thereby adding to the worsening conditions at the intersection of Highway 99-E/Territorial Road. In staff's opinion, almost any development in the City would have similar impacts on traffic conditions on Highway 99-E. There is concern about the storm water drainage on the subject site as water from the property to the north drains heavily onto this site, which has a high water table. Staff has included, as one of the "understandings," that should the Commission recommend approval of the application, a site-specific storm water plan would need to be submitted, that addresses the management of natural drainage in the area, the additional runoff that will occur through development of the site, and how development will impact the storm drainage in the future. Sewer is located on N. Redwood and will be available to serve the site. Water service will be available from N.E. 11th Avenue, N.E. 12th Avenue, or N.E. 13th Avenue, across the Logging Road. Based on C.U.B. requirements, the existing 6 inch lines will need to be enlarged to 8 inch lines to adequately service the site.

Applicant

George Wilhelm, P.O. Box 561, Woodburn 97071 stated that he concurs with the staff report, which adequately addresses most issues. The storm water issue is mostly a result of water damming up on the property to the north, which is now within the City limits. Mr. Wilhelm stated that when the water system for NE 11th and NE 12th Avenues were designed, the minimum water main sizes were 6 inches. Mr. Wilhelm explained that it is doubtful that it would be worthwhile to dig up both of those streets to replace the 6 inch pipes, but if the dead end mains can both be looped, it would improve fire water flow in existing areas and also create adequate flow to the subject site.

Mr. Wilhelm commended Commissioner Ewert's recommendation to staff with regard to holding discussions with ODOT to investigate the possibility of reducing the speed limit on Highway 99-E.

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

1. The Commission discussed the fact that this property is designated Priority "A" for annexation in the Comprehensive Plan, and is compatible with the text and maps of the Comprehensive Plan.

2. The Commission discussed the well-planned use of these small parcels, in combining them for future development.
3. The Commission discussed traffic conditions on Highway 99-E, pointing out that signalization cannot be installed at every intersection. Staff was encouraged, during further discussions with O.D.O.T., to address the possibility of reducing the speed limit on Highway 99-E, and various ways this could be accomplished.
4. The Commission discussed the required 8 inch water line. When asked how far from the site the pipe would need to be replaced, Mr. Wheeler stated that he believed it would be as far back as Pine Street. When costs of replacing the 6 inch pipe with 8 inch pipe was discussed, Mr. Wheeler stated that he believed that a portion of the costs would be borne by Canby Utility Board SDCs. Until a water main is built in N. Redwood, Mr. Wheeler stated that a temporary connection would be made.

Mr. Wheeler further pointed out that Canby Utility Board is requiring a looped service to this site, which is feasible. He explained that when the Zacher property was annexed, part of the understandings included the fact that the property could not be developed until an urban level of water service could serve the site. Urban level water service to the Zacher property was only available from 13th and across private property, which was not feasible for a looped system for a 2-1/2 acre property. The Zacher property, therefore, has not been developed.

5. Drainage on the site was discussed. Mr. Wheeler explained that the swale on the Zacher property, to the north, had a large backup of water during the flood of February of 1996. Staff assured the Commission it was comfortable with recommending a site-specific water drainage plan prior to any change of use of this site.
6. Sight distance at the intersection of N. Redwood/Highway 99-E was discussed. Staff explained that an unobstructed sight distance of 550 feet is desirable and, at the present time, the 495 foot distance is limited by shrubbery growth on Southern Pacific property. The Commission recommended that staff communicate this concern to the Southern Pacific Company, especially as this site is within the Canby Fire District, although it lies outside of the City limits.

Commissioner Gerber moved to recommend approval of ANN 96-04 to City Council with the following recommendations:

1. All development and recording costs are to be borne by the developer when the properties are developed.
2. Development of the properties will be postponed until a storm water plan is submitted and approved by the City that addresses the management of the additional runoff that will occur through development.

3. All City and service-provider regulations are to be adhered to at the time of development.
4. Any development of the properties, other than one single-family residential structure, must be preceded by a Subdivision or Partition Review.
5. Dedication of land for the widening of N. Redwood Street will be required at the time of development.
6. A waiver of the rights to remonstrance against the establishment of an L.I.D. for roadway or other improvements in N. Redwood Street will be required at time of development.

Commissioner Keller seconded the motion and it carried unanimously.

ZC 96-01, an application by Dan Onion for approval of a zone change from R-1 [Low Density Residential] to C-R [Commercial Residential]. The property is located on the east side of S. Ivy Street, between S.E. 7th Avenue and S.E. 8th Avenue [Tax Lot 1500 of Tax Map 4-1E-4/AB].

Having reviewed the hearing process and procedures earlier, and there be no one new in the audience, Acting Chair Ewert indicated the applicable criteria posted on the wall, and asked if any Commissioner had ex-parte contact or conflict of interest. Other than visiting the site, but coming to no conclusions, none was indicated.

The hearing was officially opened for a motion to continue this hearing due to a complication in the noticing process. **Commissioner Hartwell moved to continue ZC 96-01 to October 14, 1996. Commissioner Stewart seconded the motion and it carried unanimously.**

VI. DIRECTOR'S REPORT

1. Mr. Wheeler reported that a Writ of Mandamus was filed for the subdivision on N. Maple, which charges the City of Canby of violating a certain procedure, in this case, the 120-day rule. The waiver of the 120-day rule that the City received technically stated that the applicant granted an extension until September 4, 1996. Although the hearing was held on September 4th, the final order was not completed by that date. Mr. Wheeler explained that it appears that the **intention** of the waiver was for the appeal period review to begin on September 4, 1996. The options are to approve the subdivision, or show up in court to show why the City has not approved it. The City has chosen to defend its cause for denial.


If the Court orders the City to approve the application, Mr. Wheeler explained that he is unaware of the Writ of Mandamus procedures that are involved in placing conditions on an ordered approval. Dr. Schrader suggested that the Commission review the 120-day rule, which is a local standard that is higher than the State standards.

2. Mr. Wheeler informed the Commission that Mr. Broetje has constructed building #2 on S. Redwood, and is occupying it even though it does not meet the Building Code for occupancy. The City is pursuing a remedy through the Building Code process.
3. Mr. Wheeler advised the Commission that the City of Gresham is holding a Planning Commission training session, similar to the one Ardis Stevenson held for the Canby Planning Commission. Further information will be forthcoming.
4. Two studies have been submitted regarding traffic studies. A majority of the Commission would prefer to use David Kelly's services than Kittleson's services, as Mr. Kelly's traffic study is more reader-friendly. Commissioner Keller suggested that Mr. Kelly might include projected traffic impact at buildout of the area, in his reports, picking up other developments that might be coming on line.

VII. ADJOURNMENT

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

Respectfully submitted,


Joyce A. Faltus