

CANBY PLANNING COMMISSION
Regular Meeting
February 11, 1991

7:30 p.m.

APPROVED

I. ROLL CALL

Present: Chairman Schrader, Commissioners Mihata, Bear, Westcott, Wiegand, Fenske and Zieg.

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

Others present: Wayne Scott, George Wilhelm, Max Sherman, E. Wayne Oliver, Lisa and Dirk Williams, David Dalley and Paul Doty.

II. MINUTES

The **December 3, 1990** minutes were approved unanimously, as amended. The **January 28, 1991** minutes were approved unanimously, as amended.

III. BUSINESS FROM THE AUDIENCE

None

IV. COMMUNICATIONS

With regard to Bob Hoffman's memo requesting authority from the Planning Commission to request additional information from applicants, the Commission agreed to hold a workshop on February 25, 1991 to discuss this issue.

V. UNFINISHED BUSINESS

None

VI. FINDINGS

Commissioner Westcott moved to approve the Findings, Conclusions and Order for ZC 90-02 and recommend approval to the Canby City Council. Commissioner Wiegand seconded the motion and it carried unanimously.

VII. PUBLIC HEARINGS

SUB 90-06, a request by Wayne Scott for approval of a single family residential subdivision with a PUD overlay for Willow Creek Estates, Phases I and II (Tax Lot 500 of Tax Map 3-1E-27DB and Tax Lots [easterly portions] 700 and 900 of Tax Map 3-1E-27C and Tax Lots 100 and 700 of Tax Map 3-1E-27C), contingent upon City Council approval of ZC 90-02. Eighty-three single family units and 60 condominium units are proposed with 5.6 acres of greenway. A portion of the site lies in the Hazard Overlay Zone. The site (approximately 32 acres) is located northwest of 99E, south of N.E. Territorial and east of Redwood.
Continued from January 14, 1991.

The public hearing portion of this item was re-opened at the request of the Planning Director to consider a new matter regarding noise abatement. Chairman Schrader asked if any Commissioner had ex-parte contact or conflict of interest. None was indicated.

Mr. Hoffman referred to his February 8, 1991 memorandum to the Commission regarding the potential noise problem at the site. He explained that after taking sound readings at a particular distance from the Southern Pacific Railroad, where some of the lots would be, he found the noise was excessive. The decibels read higher during the evening than in the daytime. He cited the acceptable noise level for HUD-sponsored neighborhoods at 65 decibels and explained that the average at this site is 70-75 decibels. He discussed noise abatement devices, which include 1) solid masonry wall, 2) mounds, and 3) fencing. Mr. Hoffman then referred to his suggested condition of approval which is part of the memo.

Applicant

Wayne Scott stated that he would do whatever is necessary to make the lots saleable and would deter from the noise with something aesthetically pleasant. He discussed the memorandum from Mr. Hoffman and questioned how he could possibly meet the HUD standards, if Mr.

Hoffman's numbers are correct. Mr. Scott said he would have no difficulty agreeing to a feasible alternative that can be obtained. Taking aesthetics into consideration, he suggested engaging the services of a sound engineer to get his recommendations, as opposed to being held to a certain number of decibels.

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

1. The Commission discussed limiting the lots adjacent to the railroad, to one-story homes.
2. The Commission agreed it would be difficult to limit the applicant to a certain decibel number. It further agreed a satisfactory level would best be determined by a sound engineer, if necessary.
3. The Commission discussed whether it was its responsibility to protect on-site residents from off-site noises, or whether it was the developer's responsibility. The Commission further agreed potential purchasers should be made aware of the frequency and time of day the trains go by. A conditions should be added, as follows:

The developer will be responsible
for notifying potential purchasers
of the frequency and average time
of day of railroad traffic.

Staff agreed if the Commission added a "let the buyer beware" condition, the City was no longer necessary to protect them with noise mitigation condition.

4. The Commission discussed and agreed it would also be appropriate to **condition that the developer engage the services of an acoustical engineer to evaluate rail noise mitigation for the development.**
5. The Commission discussed the need for more information from the applicant:
 - a. A traffic analysis, especially as to how it impacts the intersection of Territorial and 99E.
 - b. A complete wetlands report submitted by an expert, in order for the Commission to evaluate the recommendations, prior to approval.

- c. More information regarding the emergency access (the road across and around the wetlands).
- d. More information regarding runoff water and where it is going to flow and how it impacts the wetlands.
- e. Lack of more definite information regarding the condo lots.

The Commission agreed the transition period between approval at the Planning Commission level and Design Review level was difficult. It was decided that a workshop would be held at the next meeting (February 25, 1991) to decide what could and/or should be deferred to Design Review.

Chairman Schrader polled the Commission regarding whether or not it had enough information, with conditions, to approve this application. The Commission agreed 4-3 that it did not have enough information to adequately justify making an intelligent decision. Mr. Hoffman advised the Commission that the sixty day time frame ends February 22, 1991, by which time the Commission must take action, unless the applicant were to waive that time frame. There was no indication on the part of the developer of a willingness to waive the 60-day requirement. **Commissioner Bear moved to deny SUB 90-06 due to lack of information with which to approve this application at this time. Commissioner Mihata seconded the motion and it carried 4-3, with Commissioners Schrader, Bear, Mihata and Wiegand voting yes. Commissioners Zieg, Westcott and Fenske voted no.**

Ordinance No. 855 - An amendment to the Zoning Ordinance to permit manufactured homes on individual lots that are planned and zoned for single-family residential use to be permitted as an "**outright**" use; repealing Ordinance No. 853, permitting such use as a "conditional" use.

Mr. Hoffman explained that this ordinance is before the Commission because immediately after the previous action, the City Attorney noted that the previous notice referred to this ordinance as a Condition Use. The action before the Commission tonight is to approve this ordinance as a

permitted use outright. As a conditional use, people would be lead to believe it could be denied which, under State law, it could not.

Mr. Hoffman pointed out to the Commission, the addition of the word 'masonry' to describe the back-filled foundation under Section 2, G.(b). He further explained that although the manufactured home must have a full foundation surrounding it, a concrete block foundation was acceptable.

Mr. Hoffman explained that the State approved Section 2, G.(d) regarding color, material and appearance. The Commission discussed the terminology "similar in color" and Mr. Hoffman explained the intent behind such wording with regard to its compatibility with other homes in the neighborhood. He further explained that State wording specifies "within the community" but that Canby tightened it up to a 300 foot area, although State wording included the word "similar" as opposed to compatibility also.

Chairman Schrader opened the public portion of the hearing for testimony both for and against. There was none. The public portion of the hearing was then closed for Commission discussion.

The Commission discussed the pros and cons of retaining this provision as a Conditional Use versus an Outright Permitted Use. Mr. Hoffman explained that the conditions that could be placed on placing manufactured homes on residential lots is very limited and it would be almost impossible to deny an application.

The Commission agreed to amend Section 2, G.(c) to read:

Must have a pitched roof with a minimum slope of at least a nominal three (3) feet in height for each twelve (12) feet in width.

Further, the Commission added the words **as amended** to the last sentence of the first paragraph in Section 1, to read: ". . . **For purposes of Chapter 16.16, a manufactured home shall be certified to meet the 1976 HUD Standard, as amended.**"

Commissioner Bear moved to recommend approval of Ordinance No. 855 to City Council, as amended. Commissioner Westcott seconded the motion and it carried 6-1, with Commissioner Mihata voting no.

DR 91-01, a request by Canby Union High School for approval of a 30 foot x 60 foot pole building, to be used for the storage of farm equipment presently stored along the fence where the building will be placed. The site is located immediately east of Canby Square Shopping Center, south of 99E and north of S.W. 13th Avenue (Tax Lot 700 of Tax Map 4-1E-4B).

Robert Hoffman presented the staff report. He discussed the applicable criteria, described the access to this site from the I Building and 5th Avenue, described the greenhouse, greenhouse storage building and tractor shed near the proposed pole building. Additionally, he described where the pole building would be placed and the proposed colors and materials to be used, which will basically match the existing buildings on the site. Meeting the minimum landscaping required in the ordinance, 15% of the site, is a matter of interpretation, as the purpose of this part of the site is to demonstrate farm equipment. Staff does not believe it is appropriate to require greenery or more landscaping treatment where the pole building is located. The surface beneath and immediately around it is gravel. The remainder is a natural dirt surface or driveway, which would be kept weed-free for tractor equipment demonstration. No additional parking or loading spaces would be necessary as there will be no additional employees. The access off 5th Avenue appears to be adequate and no redesign is necessary. The proposed building, architecturally, is similar to the buildings surrounding it and is compatible with its immediate surroundings. Staff believes this application meets the standards that the Design Review Ordinance specifies and recommends approval.

Applicant

Max Sherman, 8621 S. Sconce Road, stated that he represented the School Board, and concurred with Mr. Hoffman's presentation.

With no additional testimony from the audience, the public portion of the hearing was closed for Commission deliberation.

The Commission discussed security measures, especially due to the fact that no doors were planned for the pole building, and agreed no security lighting was necessary. The Commission agreed the present 6' cyclone fence adequately secured the grounds, especially when the gates were locked outside of school hours. With regard to vandalism, the applicant explained that the equipment has remained outside for years and the only incident he remembers was the removal of a valve stem from a tractor tire.

Commissioner Wiegand moved for approval of DR 91-01, as recommended by staff, without conditions. Commissioner Zieg seconded the motion and it carried unanimously.

The Commission discussed the **Design Review process**. It was agreed that a workshop would be held at the next meeting date to discuss whether certain requirements for applications could be deferred to the Design Review stage.

Tentative Park Plan for the City of Canby

Mr. Hoffman referred to the Canby Master Park Plan dated January, 1991. He explained that the Comprehensive Plan is based on an Urban Growth Boundary which will serve an ultimate population of 20,000. The parks, at ultimate buildout, should be able to serve that same population. The total park and recreation space called for in the Plan is approximately 100 acres (5 acres/1000 population). At the present time, the population is approximately 9,000 and there is about 29 acres of existing park land (about 3 acres/1000 population). The Plan also addresses the need for adequate sites around the schools, and adequate recreation facilities. Additionally, the Plan points out that by the year 2000 the need for about 165 acres for public schools, and an additional 75 acres for public park and recreation areas will exist. It also addresses the dearth of parks throughout the northwest, southeast and northeast urbanizable areas, and within the present city limits, in the southeast area. Clearly, Ordinance No. 740, under Land Division Regulations, encourages developers to help Canby supply public parks, schools, and playgrounds. The Recreation Committee conducted surveys and concluded that approximately 5 acres/100 population is a reasonable standard. The report concluded that very small play lots are not acceptable due to difficulty in maintenance and administration, and problems with vandalism. Mini-parks, on the other hand, were considered very popular by Canby residents. All sectors of the population who responded to the survey were concerned about the deficiency of park space in the south side of Canby. Depending on what type of population exists in that area, the respondents felt parks could be designed to serve a wide range of needs. The National Recreation Park Association standard recommends one mini park per 2000 residents, Mr. Hoffman added. Therefore, Canby's present population of 9000 would require at least three more mini parks to meet those standards. According

to these same standards, by the time the population within the UGB reaches 18,000-20,000, five or six more mini-parks would become necessary. Active neighborhood parks with room for ballfields would require even larger tracts of land. Mr. Hoffman then pointed to existing public lands on the Park Map and pointed out where the approximate general locations are that the Committee is recommending additional parks. In approximately the middle of each of the major development areas, the Committee is proposing a park site. Some of the highest priorities of the survey respondents was a bike/pedestrian path system and the development of the Molalla embankment and river area as a part of some recreation system. Based on the population growth estimates, the Committee has suggested a three phase plan to be developed in a twelve year period. Mr. Hoffman then discussed what was involved in each phase and the estimated costs involved. He explained that this program would meet both the Canby Comprehensive Plan and the National Recreation standards

Chairman Schrader explained that from the Parks Committee standpoint, the goal is for this plan to be approved and used for a springboard for a very complete recreation plan. It is the intention of the Committee to make public presentations, and to go back to different interest groups for further refinement. He added that this is viewed as a strategic plan as opposed to a tactical plan, taking into account that development of the community could be different from what is tentatively anticipated.

Public Testimony in Favor

Paul Doty, 2502 E. Territorial Road, explained that only areas within the UGB have been under consideration. The Parks map only shows the extent of the present study, he added.

Dirk Williams, 685 N.W. 4th Avenue, questioned the cost of the restrooms listed under the South Side mini-park and was informed it was a typo. Other than that, he said he approved of the Master Plan.

Lisa Wilcox, 685 N.W. 4th Avenue, stated that she was a strong proponent of the bike/pedestrian pathway system. She asked how the funding will take place and for an explanation of the Systems Development Charge. Ms. Wilcox added that some areas should be left in a relatively natural condition.

With no further testimony either for or against the Master Park Plan, the public portion of the hearing was closed for Commission discussion.

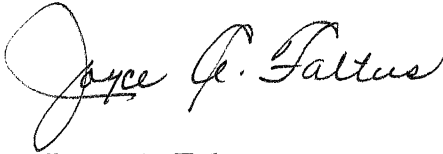
1. The Commission discussed dedications of land from various developers in Canby. About 12 acres has been dedicated toward the City's goal.
2. Mr. Doty requested that the draft proposed South Clackamas County Recreation District Master Plan, attached to the Canby Master Park Plan, not be included with the Master Plan recommended for approval by City Council.

Commissioner Mihata moved to recommend approval of the Canby Master Park Plan to the City Council, after Mr. Hoffman refines it further. Commissioner Wiegand seconded the motion and it carried unanimously.

VIII. ADJOURNMENT

The meeting was adjourned at 10:40 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Joyce A. Faltus". The signature is written in dark ink and is positioned above the printed name.

Joyce A. Faltus