

CANBY PLANNING COMMISSION
Regular Meeting

September 28, 1992

7:30 p.m.

APPROVED

I. ROLL CALL

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

Staff Present: Robert Hoffman, Planning Director; Jim Wheeler, Assistant Planner; John Kelley, City Attorney; Mike Jordan, City Administrator, and Joyce Faltus, Secretary.

Others Present: Larry and Lori Leavitt, Pete Loske, Donna Jean McManamon, Linda Peck, Donna Yivisaker, Don Smeback, Jeff Walters, Ron Ziebart, John Watson, Bill Garmire, Walt Pischel, Russ Newcomer, George Wilhelm, Tom Holmes, Morris Holes, Richard Kraxberger, Jean and Roger Hudson, Marilyn Holcom, Bill McMonagle.

II. MINUTES

None

III. COMMUNICATIONS

Mr. Hoffman informed the Commission that Walter West Construction asked for a continuance to October 12, 1992 for MLP 92-10. The Commission agreed to grant the continuance.

IV. FINDINGS

Mr. Hoffman explained that Lowell Morse, the applicant for the Cedar Ridge replat, had some questions with regard to why the tot lot should be 10,000 instead of 8,000.

The applicant left the previous meeting feeling that 8,000 square feet was required. The applicant also said that they needed the extra square footage to add to the surrounding lots to make them more developable. Mr. Hoffman said the applicant had drawn a line across Lot 13 because he believed only part of Lot 13 was to be included in the tot lot, and that he, Mr. Hoffman, included all of Lot 13. The way the findings were written would include almost all of Lots 12 and 13. Darren Welborn stated that it was not his understanding from the previous meeting that the tot lot would include the triangular piece. The Commission agreed that, due to the change in the configuration of the subdivision, open space was desirable, but that the applicant should not be overburdened. The Commission also discussed the area reserved for recreation vehicle parking. Mr. Hoffman explained that Condition 15 could reflect dividing it up among Lots 14 through 18. Regarding the access strip, Mr. Hoffman said the subdivision association would maintain it. Mr. Welborn explained that the intention was to install playground equipment on the tot lot.

Commissioner Fenske moved to amend, and approve, the findings presented by staff for SUB 92-03/PUD 92-01 to reflect the size of the tot lot to be 8,000 square feet. Commissioner Wiegand seconded the motion and it carried 4-1, with Commissioners Maher, Mihata, Wiegand and Fenske voting yes and Commissioner Schrader voting no. Commissioner Gustafson abstained and Commissioner Zieg was absent.

Commissioner Maher moved to approve the Findings, Conclusions and Order for SUB 92-05 (Anderson/Hanson), as submitted. Commissioner Wiegand seconded the motion and it carried 5-0, with Commissioner Gustafson abstaining and Commissioner Zieg absent.

V. *NEW BUSINESS*

None

VI. *PUBLIC HEARINGS*

CUP 92-10, an application by John and Pat Watson for approval to develop an 11.3 acre site as a 68-unit Manufactured Housing Park. All units shall be 28 foot, double-wide homes, in semi-permanent settings, with wood composition siding and composition shingle roofs. Metal roofs or siding will not be permitted. The site is

located on the east and west sides of S. Pine Street, south of S.E. 2nd Avenue (Tax Lots 700 and 790 of Tax Map 3-1E-34C and Tax Lot 2200 of Tax Map 3-1E-33DD).
Continued from August 24, 1992.

Chairman Schrader asked if any Commissioner had ex-parte contact or conflict of interest. Commissioner Maher visited the site but drew no conclusions. Nothing else was indicated. Dr. Schrader then reviewed the hearing process and procedures.

Jim Wheeler presented staff's responses to items of deliberation continued from the August 24, 1992 public hearing, and the revised site plan as submitted by the applicant.

Mr. Wheeler explained the changes in the original site plan. The applicant's alternatives for accessing the development are to: 1) access for 60 units would result from two 15 foot paved access lanes, separated by landscaped island at one point; or 2) for 67 units, access would result from the same entry described above, and a second paved 30 foot access point. The reorientation of Lots 40 and 41 to north-south, will prohibit access to Lot 41 directly from the main entry point of the development. The City wants S.E. 3rd Avenue to be paved 40 feet wide, curb-to-curb, and S. Pine Street, south from S.E. 3rd Avenue, to be paved 20 feet wide, centerline to curb.

Mr. Wheeler provided two additional recommended conditions of approval. The first regards notification of the park's homeowners who are adjacent to industrial land and road. The second regards approval of the park with one access point for 60 units, or two access points for 67 units.

Applicant

John Watson, 6 Othello, Lake Oswego stated that he concurs with staff report. He explained that his access was based upon possible changes to the zoning ordinance regarding access, which he might benefit from. He explained that, based upon possible changes, he has left himself an option to build a second access and has it planned so that, should he be permitted to have only one access, he could build those lots as presently designed. These plans are based on a two year buildout. Mr. Watson submitted a landscape plan which included landscape access plans for a second access. The reduced island (12 feet to 10 feet) in the first access was then discussed.

Proponents

Bill McMonagle, Engineer, 12555 S.W. Hall Blvd., Tigard, OR 97223 addressed his concern about the access and asked for clarification about public and private drives. Mr. Hoffman explained that if it were public, what is proposed would work, except that the City is not willing to accept what is proposed, as a public road. As a private drive, it does not meet the requirements of Section 16.46, which does not allow 68 units with an access point with 30 feet of pavement. Mr. McMonagle discussed primary purposes of accessways, widths, and benefits of an island in the middle. He stated that the proposed accessway does what it is reasonably expected to do - provide for the public health, safety, and welfare. He then asked if the Commission could approve the development for 60 lots, removing lots 3-10, with the provision that the only way those lots could be regained would be through an ordinance amendment or an appeal to Council, leaving the balance of the project in tact.

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

1. Provision of adequate access to the proposed development from a public street, extending the paving of S. Pine Street from 99-E to the subject parcel for a full width of twenty (20) feet.
2. The appropriateness, because of the City's desire for an road and sewer system to service the adjacent industrial lands, of dedication of land for street and sewer systems. The subject property is the entry point for access to the industrial lands, and is therefore a key parcel in the coordination of the City's effort to provide the necessary street and sewer facilities for development of the adjacent industrial lands.
3. The necessary width to provide a proper road and sewer system required for the industrial park development. The road and sewer systems will need to be sixty (60) feet wide for the road that will be S.E. 3rd Avenue, and twenty-five (25) feet wide for S. Pine Street, south of S.E. 3rd Avenue. Twenty-five (25) feet of land for S. Pine is only half of the required right-of-way for industrial development, but it is all that is needed from this development. The other twenty-five (25) feet will be dedicated from the adjoining property to the east.

4. The locations of the proposed land dedication. The precise locations shall be provided, and accepted by the Director of Public Works, acting as a representative of the City Council, after the land has been surveyed.
5. The affect on the landowners immediately to the north of the proposed development, by the location of the right-of-way and subsequent construction of the road and sewer systems.
6. The construction of the road systems, S.E. 3rd Avenue and S. Pine Street, is necessary as a part of the proposed development because the City is expecting to provide road improvements for the remaining portion of the industrial road system, that will be reimbursed by future development. Because this property is proposed to be developed now, improvement of the roads on the subject property is appropriate at this time. In addition, coordination of future improvement of the road systems, when needed for future industrial development, would be extremely difficult due to possible financial considerations and timing of the various parties involved.
7. The appropriate width of street pavement for the proposed public streets. The paved width of S.E. 3rd Avenue will need to be forty (40) feet and curbs and sidewalks are appropriate. The paved width of the development's half of S. Pine Street will need to be twenty (20) feet, with curb and sidewalk.
8. Construction of a fifteen (15) inch sewer line from 99-E to the subject property and then along S.E. 3rd Avenue to the eastern edge of the subject property. Additionally, a twelve (12) inch sewer line will be needed along S. Pine Street, south of S.E. 3rd Avenue to the southern edge of the subject property.
9. The required paved width of the access point. Section 16.46.010(A) and (B) do not allow for discretion in the standards. One access point with a total in excess of thirty (30) feet of paving is appropriate for sixty (60) manufactured home sites. If a second access point is provided, the additional manufactured home sites would be acceptable.

10. It will be necessary to notify future occupants of the home sites adjacent to the public roadways, that the roads will be used by industrial traffic and the adjoining lands will have industrial development. This is necessary to assure that future site occupants are aware of the location of the development in relation to the industrial park area.
11. Restriction of parking along the interior, private road system due to the limited width of the roads, twenty (20) and twenty-two (22) feet.
12. Section 16.44.030(G), which does not allow for the substitution of wooden decks for concrete patios. Wooden decks are not as durable as concrete patios.
13. The height of the proposed perimeter sight-obscuring fence.
14. The use of the portion of the property to the north of S.E. 3rd Avenue as a recreational vehicle storage lot. The use is appropriate, but if there are changes in the configuration of land ownership, as has been speculated by the applicant, future review of the use may be necessary. Review of the fencing and landscaping of that portion of the subject property will be necessary whenever it is developed.

Based on the findings and conclusions in the staff report dated August 14, 1992, on testimony at the hearings, and on Commission deliberation, **Commissioner Mihata moved for approval of CUP 92-10 subject to the following conditions:**

- 1. S. Pine Street from 99-E shall be extended to the subject property and shall be paved to its full width, a minimum of twenty (20) feet.**
- 2. Sixty (60) feet of land shall be dedicated for street extension purposes along S.E. 3rd Avenue. The precise location of the land to be dedicated shall be approved by the Director of Public Works, after consulting with affected adjoining property owners.**

3. **Twenty-five (25) feet of land, as measured from the east property line, shall be dedicated.**
4. **Sidewalks, curbs, and street shall be provided along the proposed alignment for S.E. 3rd Avenue for the full length of the subject property. The paved street width for S.E. 3rd Avenue shall be forty (40) feet. A sidewalk, curb, and half-street improvement shall be provided by the owner along the proposed alignment for S. Pine Street for the full length of the subject property. The paved half-street improvement for S. Pine Street, south of S.E. 3rd Avenue, shall be twenty (20) feet. All road improvement design and construction shall be in conformance with City standards and shall be approved by the Director of Public Works.**
5. **A fifteen (15) inch sewer line shall be built in S. Pine Street from 99-E to S.E. 3rd Avenue and in S.E. 3rd Avenue to the eastern edge of the subject property, and a twelve (12) inch sewer line shall be built in the S. Pine Street right-of-way from S.E. 3rd Avenue to the southern edge of the subject property. The design and construction of the sewer line shall be in conformance with City standards and shall be approved by the Director of Public Works.**
6. **The storm water drainage system design shall be reviewed and approved by the Director of Public Works.**
7. **Utility easement(s) from S.E. 3rd Avenue and/or the S. Pine Street right-of-way shall be provided within or adjacent to the public and private roadway systems. Specific location and design shall be as required by the respective utility with coordination and final approval to be given by the Director of Public Works.**
8. **Parking shall be permitted on only one side of the private roads. The roads shall be posted accordingly.**
9. **A lighting plan, particularly for the public areas, open space areas, sidewalk areas and road areas, shall be approved by the Planning Director with review provided by Canby Utility Board.**

10. **Each manufactured home lot shall meet the following specifications:**
 - a. **The area for manufactured home, storage areas, garage/ carport and driveway shall not exceed 2400 square feet (or 50% of lot area, whichever is larger).**
 - b. **Concrete patio areas shall be at least 150 square feet in size and shall not total more than 500 square feet.**
 - c. **The balance of the manufactured home lot (at least 1600 square feet) shall consist of seventy percent (70%) (at least 1200 square feet) green vegetation and the remaining thirty percent (30%) may be in bark dust.**
 - d. **Each manufactured home shall utilize applicable HUD, FHA, and VA tie-down and foundation standards.**
11. **The single-wide model shall be a minimum of 800 square feet. All double-wide models shall be a minimum of 1,000 square feet. No units shall have metal exterior sides or roof. All units shall have skirting or perimeter foundations attached at the time of occupancy.**
12. **All manufactured homes shall meet all HUD requirements, and accessory structures shall meet OSSC requirements.**
13. **An operating plan and facility plan for postal service, school bus service and fire service shall be provided to the City of Canby with approvals from the respective service authorities.**
14. **A set of manufactured home park operating rules and regulations shall be provided to the City of Canby, and shall be reviewed and approved by the City Attorney for consistency with City regulations and the conditions of this land use approval. These rules shall include, but not be limited to, maintenance and use of open space, recreation areas, recreational vehicle storage and other storage areas, and landscape treatment of lot areas.**

15. **The height of the wooden sight-obscuring perimeter fence shall not be less than four (4) feet nor more than six (6) feet.**
16. **Review of the fencing and landscaping of the RV storage lot shall be required. Any change in the configuration in the land used for the RV storage lot may require further review by the Planning Commission, as determined by the City Planner.**
17. **Homeowners leasing the home sites 1 - 11 and 37 - 39, inclusive, shall be notified in writing by Pine Crossing Management, prior to leasing, that S.E. 3rd Avenue and S. Pine Street will be used by industrial traffic. Further, the same homeowners shall be notified in writing by Pine Crossing Management, that industrial activities will occur on property immediately to the east and northeast of the park. The applicant for a mobile home site permit on the above described home sites shall present the City Planner said notice signed by the homeowner.**
18. **Lots 3-10 are not approved for use as manufactured home sites at this time. Seven (7) lots will also be considered approved, as shown on the alternative Site Plan submitted to the City on September 25, 1992, if a second access point is provided.**

Commissioner Maher seconded the motion and it carried 4-2 with Commissioners Maher, Mihata, Wiegand and Gustafson voting yes and Commissioners Schrader and Fenske voting no. Commissioner Zieg abstained.

ZC 92-02, an application by Ziebart Homes, Inc. for approval of a Zone Change from R-1, Single Family Residential, to R-2, High Density Multi-Family. The applicant ultimately intends to build 24 up-scale apartment units on the 1.69 acre parcel. The property is located on the south side of Territorial Road, east of N. Maple (Tax Lots 2200 and 2300 of Tax Map 3-1E-28DD). *Continued from September 14, 1992.*

Chairman Schrader asked if any Commissioners had ex-parte contact or conflict of interest. Other than each Commissioner visiting the site and coming to no conclusions, none was expressed. Mr. Kelley explained that the record is made at this hearing on any issues involved concerning the zone change and no further opportunity is available for citizens to raise any issues. The Planning Commission then makes a recommendation to City Council regarding whether or not to approve the zone change. The City Council reviews the record and makes a final decision, after hearing arguments based upon tonight's record and will consider no additional or supplemental information submitted after this hearing. City Council's consideration is not made in the form of a public hearing.

Bob Hoffman presented the staff report. He explained that there is no application for a specific development at this time, only a proposal to change the zoning on a piece of property, and the Commission will only consider the proposal to rezone the parcel from R-1 to R-2. If rezoned, the R-2 zoning would have the potential for a maximum of approximately 22 to 24 dwelling units, depending on how much land is used for infrastructure.

This rectangle 1.69 acre parcel is located on the south side of Territorial Road, between Maple and Oak Place. He referred to the standards used in the consideration of a zone change. Seventeenth Avenue ends at the site and would need improvements if the home is not demolished. The applicant has stated that he proposed to remove the house on Tax Lot 2200 to install a driveway from Territorial, rather than access the property from 17th. If access were to be proposed from Maple, staff would have serious concerns, due to the dense residential development on Maple. Improvement of Territorial, along the subject parcel's frontage, would be required as part of any development plans. Since it has been determined that the intersection of 99-E and Territorial needs improvement, a "fair share" contribution toward solving this problem would be needed from the developer of the site. There could be no condition attached to a zone change approval to limit access to Territorial, but such limitation could be attached to a design review application or conditional use application.

The Comprehensive Plan designates this parcel as an Area of Special Concern, Area "N". Area "N" covers a wide strip of property from Maple to Redwood, bordering Territorial Road, and includes property designated for medium density residential zoning and properties zoned for high density residential use. Present development in the area includes apartments, condominiums, single family dwellings, and vacant lots. Present zoning includes some R-2 and a predominance of R-1 areas. Street dedications and, in some cases, street improvements, are needed to make some of the properties suitable for higher density development. New developments, other than one

single family dwelling per lot, will require prior upzoning to either R-1.5 or R-2, as appropriate. The applicant is proposing rezoning to R-2 and the Comprehensive Plan recognizes that rezoning to R-2 may be appropriate in this area, as it includes a mixture of apartments and homes. Design Review of any proposed apartments would ensure that the project would be developed so as to be compatible with the area. Mr. Hoffman then referred to the Comprehensive Plan Land Use Map which indicates the proposed future land use to be High Density Residential, which is defined as being generally distinguished by multiple family or other residential uses, including mobile home subdivisions or parks subject to special design criteria, and intended to provide for the widest variety of housing opportunities. City R-2 zoning conforms with this category, with R-1 and R-1.5 an allowable, less intensive, interim zoning. Therefore, he explained, R-2 zoning is consistent with Land Use Policy #4, since rezoning would make the zoning pattern consistent with the proposed Comprehensive Plan Land Use. Policy #6 deals with the Special Area Policy for Area "N" and rezoning to R-2 would be consistent with and aid in implementing this policy. If the property were developed with single family units, a maximum of about 8 units could be built on 7,000 square foot, minimum, lots. R-2 zoning would permit approximately 24 dwelling units.

At the present time, there is a major water line and sewer line available in Territorial. No concerns have been expressed by the various service providers with servicing this parcel, except that a fire hydrant would be required if the site was developed with apartments.

The implementation measures under the Housing Goal encourage this gradual conversion of land to permit multiple residential development, thus responding to the increase in housing costs and the need for more rental housing.

Staff recommends that the Planning Commission approve the application, as it is consistent with the policies of the Comprehensive Plan, because the City has adequate capacity to service the property, provided conditions are attached to an actual development proposal to ensure compatibility of adjacent development and transportation issues are addressed accordingly.

Applicant

Ron Ziebart, P.O. Box 20188, Keizer 97307 stated that he concurs with the staff report. He pointed out that there is no Site and Design Review application before the City at this time. The proposal meets all the criteria and is consistent with the Comprehensive Plan Land Use Map. With regard to "fair share" for improvements,

Mr. Ziebart stated that nothing has been presented to denote what the fair share would actually amount to or how it was determined. He stated he would like further information. Mr. Ziebart explained that, from his experience in various cities in Oregon, it is not uncommon to have large sections of property designated with a zoning option available. This leaves the options open to best utilize the properties. Approval of this application, based on staff's recommendation and what has been presented is consistent with established guidelines.

Although there is no development proposal before the Commission at this time, Mr. Ziebart explained that 24 units was determined to be feasible, based on previous calculations.

Proponents

None

Opposition

Larry Leavitt, 820 N.E. Territorial Road questioned the status of the elementary school site that was under appeal to the State. John Kelley stated that LUBA remanded it back to the City to vacate the approval. Mr. Leavitt referred to the applicant's August 18th memorandum to the City, where other medium to high density areas exist. He said he canvassed the area and found that there are, in fact, 112 units within three blocks of this site, and that this neighborhood has contributed more than its fair share to the high density requirement, whereas the northwest corner of Canby has no land designated for R-2 zoning. He then addressed the traffic issues adding that development of multi-family units on this parcel, with access to Territorial Road, would directly affect his property with regard to noise, headlight intrusion. Mr. Leavitt stated his biggest concern is that after conditions are imposed, the plans for an "up-scale" development could become a low-cost housing project. Further, Mr. Leavitt noted his annoyance that the property was posted on 17th Avenue, informing people of the hearing, and not on Territorial Road.

Bill Garmire, 531 N.E. Territorial Road stated that his property was rezoned to R-2 and that he could build 16 units on his property. He reviewed some of the history of the area since 1965. There are a lot of apartment complexes in the area which makes access into his own property difficult. The amount of traffic causes quite a bottleneck at Maple and Territorial. He compared the apartment complexes in the south end of

town, where many STOP signs have been installed and stated that between Holly and Maple, there are none. As there is much heavier traffic conditions on Territorial, and many speeders, with no STOP signs, he stated he could not understand the need for STOP signs on S. Locust, where there is very little traffic. Mr. Garmire stated that it is in the best interests of the City to provide better access on to and off of Maple, maybe in the form of a 4-way STOP, before rezoning this parcel. Because of the conditions he described, Mr. Garmine stated he would not build apartments on his property.

Mr. Hoffman read a letter into the record from **Donald and Joscelyn Gerhigs, who live at 854 N.E. 16th Avenue, and Shirley Meisch, 810 N.E. 16th Avenue**, who oppose the application due safety and hazardous conditions, and infringement to adjacent owners' privacy. Recommendations were offered such as: a 6 foot sight obscuring fence around the development; approval of a structure no higher than could be screened by a fence or vegetative barrier;

Jean Hudson, 740 N.E. 17th Avenue stated that her 100 foot driveway abuts the property in question and that her home is set diagonally on her lot and the living area faces the parcel. Ms. Hudson said she is concerned with the quality of life in Canby and the quality of life in her neighborhood. She questioned why anyone would want to spend a lot on rent when, with creative financing, they could own their own home. The quality of life and pride in the area differs greatly in rental areas and private home areas. Ms. Hudson described the problems associated with the apartment complex on Maple and Territorial. As this area has many apartment-type complexes, more apartments would not be compatible with the surrounding uses, as privately owned homes would become the exception.

Walt Pischel, 800 N.E. Territorial Road stated that the advantage to keeping it zoned R-1 is that there would be less strain on the sewer system and less drain on the water supply, and less traffic leading to the Territorial/99-E intersection. The large number of apartments that presently exist in the area adds greatly to the sewer, water and traffic problems/concerns. Mr. Pischel added that single-family homes are more desirable for the City of Canby and for the parcel in question. If an apartment complex was approved, one access would not be enough.

Donna Ylvisaker, 710 N.E. 17th Avenue stated that she lives across from Maple Terrace and the impact of noise, traffic, and lack of privacy has increased constantly. The children have no place to play and cross busy streets to trespass very often. She cited numerous accidents that have occurred over the years, both prior to and since the apartments have been built. She urged the Commission's consideration of these issues.

George Wilhelm, representing **Township Village V**, suggested that the Subdivision application for Township Village V be postponed to the next Planning Commission meeting date, October 12, 1992. The Commission approved the continuance.

Tom Holmes, 20360 S. End Road explained that his property abuts the parcel under consideration. He addressed his concern with regard to traffic impacts, especially the hazardous left hand turn from the complex on to Territorial. Mr. Holmes also stated that his property could present a hazard for children and he would like to see a barrier at the property line. He further stated he had no intention, at this time, to apply for a zone change for multi-family development.

Linda Peck, 1688 N. Maple Street stated that her lot backs up to the parcel under consideration. Her main concern is the traffic in the area. When the Maple Terrace apartments were under consideration, they were not allowed access from Territorial due to traffic congestion. Although she would benefit from the complex accessing on to Territorial, rather than 17th Avenue, Territorial would become more hazardous than it presently is. She urged the Commission to review past decisions with regard to access onto Territorial from the Maple Terrace apartments.

Mr. Pischel added that 17th Avenue should not be blocked off. It is not a cul-de-sac or a turnaround and was intended to go through when future developments occurred.

Rebuttal

Ron Ziebart stated that very few of the concerns of the opponents specifically addressed the zone change issue, which criteria has been met. Most of the issues

raised are more appropriate at the time of Design Review. As there are no development plans before the Commission, he stated that he fails to see how the traffic impact can be decided. Apartments in this area would endorse a good blend of housing. He urged the Commission to recommend approval of the application to City Council, with no conditions.

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

1. Traffic on Territorial appears to be very high in volume and development under R-2 zoning would add substantially to that traffic.
2. Maximum development permitted under R-1 zoning would be about 8 units, while approximately 24 units would be permitted under R-2 zoning. This would be a substantial increase.
3. Because of the national "Fair Housing Law" there could be a number of children in apartments, and the surrounding area near the proposed site, does not have play space for small children.
4. Territorial Road has a slight bend at Maple Street and has not been widened over a substantial useable length and does not have sidewalks for substantial stretches. There have been a few accidents at Maple and Territorial, according to testimony at the hearing.
5. A traffic impact analysis study has not been done for this site and could only be done for a specific proposal which would include numbers and types of units.
6. Most of the people who testified stated that apartments were not compatible with the single family residential character of most of the adjacent parcels. Control of headlights, children, traffic, and noise, would be needed, according to testimony. Privacy was described as difficult to ensure, especially for 2-story buildings.

7. Maps showing the existing pattern of development were discussed, and the Commission members expressed concern that while apartments are located nearby, the predominance of development of adjacent and nearby parcels is with single family homes. It was found that there is a large vacant parcel adjacent to the subject parcel, which is zoned R-1.
8. N.E. 17th Avenue was discussed as inadequate to handle a large increase in traffic volume.
9. A mixture of uses, single family and multiple family type structures, lot-by-lot, was a concern of neighbors and Commission members. It was noted that if the subject parcel were developed with apartments, eight single family houses would be bracketed between apartment developments.
10. The Planning Director noted that there is a need for apartments and rental housing in Canby. There are few vacant available sites in Canby zoned R-2, at this time. The rental housing vacancy rate for Canby was reported as 1.3%, while homeowner vacancy rate is 0.6%, according to the U.S. Census, substantially lower than the State and Metro areas. A more normal vacancy rate would be about 4-5%. Sixty percent of our households do not have children. Almost 15% of Canby population is over 65 years of age. Rental housing is almost 35% of all Canby housing units, an increase from 26% in 1980.
11. Water service and sewer service of adequate capacity is available in Territorial, but Territorial Road needs widening to Canby arterial road and County arterial road standards.
12. A discussion was held regarding whether or not conditions can be attached to a zone change application. Under Section 16.54.060, "Amendments to the Zoning Map" which describes improvement conditions, it says conditions can be recommended by the Commission and imposed by the Council to be met before the proposed change takes effect. Such conditions shall be limited to improvements or physical changes to the property which are directly related to the health, safety, or general welfare of those in the area. Such conditions, it

further states, are limited to improvements which clearly relate to and benefit the area of the proposed zone change. It appears there might be enough latitude to condition access to Territorial only. Mr. Hoffman explained that his interpretation is that a physical change would have to take place prior to the effective date of the rezoning. For example, a barrier could be erected at the end of 17th Avenue if access to 17th was limited or eliminated. The above wording describes a condition that must apply prior to the effective date of the rezoning, not to conditions that would apply after the effective date, according to Mr. Kelley's interpretation of the language.

13. A discussion was held regarding Area "N" and how it came to be.

Commissioner Mihata moved to recommend denial of ZC 92-02 to City Council because it does not meet approval Criteria A, specifically Land Use Policy #1, which requires separation of conflicting or incompatible uses. Commissioner Wiegand seconded the motion and it carried 4-3 with Commissioners Mihata, Wiegand, Gustafson and Fenske voting yes and Commissioners Schrader, Maher and Zieg voting against the motion.

Staff will prepare a Final Order to be available for consideration by the Planning Commission at the October 12, 1992 meeting. The application will, most likely, go before City Council on October 21, 1992, but it was suggested residents contact City Hall for the exact date. City Attorney, John Kelly, suggested that the applicant provide a written brief of the issues to City Council prior to the October 21, 1992 meeting.

VI. DIRECTOR'S REPORT

Mr. Hoffman advised the Commission that a video would be made laying the groundwork about what was learned from the 1990 Census and the kinds of changes Canby has seen since 1980. Follow-up videos will be made during the year to show what those changes mean for Canby.

City Council has approved the Comprehensive Plan Amendments and they will be transmitted to the State before September 30. After Council approved of the

Agreement between Canby and the County, the County submitted revisions. Mr. Hoffman explained that he was reviewing them and would advise the Commission of any changes.

Mr. Kelly explained that the appeal of the new Elementary School was remanded back to the City by LUBA. The attorney for the school district and the City both agreed that the City would vacate the approval of the school on that site, since a new site was found and approved, and the school is being constructed.

VII. ADJOURNMENT

The meeting was adjourned at 11:00 p.m.

Respectfully submitted,


Joyce A. Faltus