

MINUTES

CANBY PLANNING COMMISSION
Regular Meeting

March 22, 1993

7:30 p.m.

APPROVED

I. ROLL CALL

Present: Chairman Schrader, Commissioners B. Gustafson, Fenske, Maher, Elliot.

Staff Present: Robert Hoffman, Planning Director; Jim Wheeler, Assistant Planner; and Joyce Faltus, Secretary.

Others Present: Craig P. Bowcock, Bonnie Schaefer, Teresa Dunavan, Donna Jean McMannamon, Councilman Terry Prince, Karen Hering, Allen Manuel, Don Smeback.

II. MINUTES

The minutes of **January 25, 1993** were approved unanimously, as amended.
The minutes of **February 8, 1993** were approved unanimously.

III. CITIZEN INPUT ON NON-AGENDA ITEMS

None

IV. COMMUNICATIONS

None

V. FINDINGS

None

VI. COMMISSION DISCUSSION OF PLANNING ISSUES

Chairman Schrader explained that, with regard to the Tree Ordinance, Salem, Ashland and Forest Grove had the best tree ordinances from which to glean recommendations for Canby's Tree Ordinance, as they appear to fit into the "Canby attitude." The areas of special interest in their ordinances are new development, establishing street tree plans, and tree cutting prior to development.

Commissioner Fenske requested that Advance Financing be placed on the first agenda in April.

Commissioner Maher explained that her group drafted ideas to further develop. The group is still gathering surveys that other groups have done with regard to growth issues, planning issues, etc., to critique them in terms of what this group should focus on, although the information gleaned from them is not particularly helpful. Evidently, the Chamber of Commerce is in the process of preparing another survey. Interest in updating the Comprehensive Plan appears to be declining though, and only a few core members are still available. At the present time, the group is planning to publish some articles in the paper to attract public interest and, hopefully, feedback.

VII. NEW BUSINESS

None

VIII. PUBLIC HEARINGS

TA 93-02 - to consider Zone Text Amendments initiated by the City of Canby Planning Commission. The amendments affect Chapters 16.04, 16.08, 16.12, 16.16, 16.18, 16.20, 16.22, 16.24, 16.28, 16.30, 16.32, 16.34, 16.36, 16.42, 16.44, 16.46, 16.49, 16.60, 16.62, 16.64, 16.70 and 16.76. The amendments will: 1) allow the Planning Commission the flexibility to determine the appropriate number of parking spaces needed for a given use, based on clear and objective findings; 2) restrict the use of temporary real estate signs to private property only; 3) alter the landscaping requirements for multi-family residential developments, non-vegetative landscape material, parking lot landscaping, and existing landscape credit; 4) restrict the use of the Planned Unit Development overlay zone from partitions and small properties; and 5) provide other minor changes. The effect, if adopted, would be Citywide.

Commissioner Schrader explained that this is a legislative land use regulation amendment and the City is the applicant. He referred to a typo in the newspaper and explained the process and procedure, in particular in relationship to requests for continuances. When asked if any Commissioner had a conflict of interest, none was indicated.

Jim Wheeler presented the staff report. He advised the Commission of a revision to the sign ordinance portion of the ordinance to essentially eliminate the use of signs in public rights-of-way. He reviewed the applicable criteria under Chapter 16.88.160. Mr. Wheeler pointed out on the Economic Element portion of the staff report, that the development ordinance has been amended to permit an increase in both the amount of economic activity and priority of economic activity in the commercial zones. Although not major changes, they aid in the promotion of commercial zones for, primarily, commercial use. Residential economic activities, specifically the term 'home occupation' has been broadened to include day care and 'bed and breakfast' operations which are mentioned separately from boarding or lodging facilities, after appropriate review for impact on the residential character of the neighborhood. With regard to 'Bed and Breakfast,' Mr. Wheeler pointed out that a definition has been added regarding parking standards, that it is a Conditional Use in the R-1 zone, a permitted use in the R-2 zone, and permitted use in the C-1 zone in existing residential structures. Necessary changes have also been made to the 'Day Care Facility' specifically in the definition and parking standards. It is a permitted outright use in the R-1 zone for a small facility (under 12 children), a Conditional Use for more than 12 children in an R-1 zone, and is permitted outright in a C-1 zone. Restrictions of residential housing in commercial zones are mentioned under the Housing Element. Residential uses in the R-2 zones has been broadened to permit manufactured home parks as an outright use, although they will still require Design Review. Mr. Wheeler pointed out that a 'bed and breakfast' is a conditional use in the R-1 zone and a permitted use in the R-2 zone, and permitted outright in the C-1 zone in existing residential structures. He further reviewed the proposed amended industrial parking standards. In the primary commercial areas, new residential structures will be permitted only if they are "attached and incidental" to a permitted commercial use. Further, Mr. Wheeler reviewed typographical errors in the proposed amendments.

Mr. Wheeler explained that, in general, the proposed amendments are meant to clarify standards and specify definitions for those areas of the Code which have repeatedly needed interpretations, when applications have been reviewed over the last few years. Staff recommends that the Planning Commission recommend approval of the proposed ordinance to amend the Land Development and Planning Ordinance to City Council. Further, staff finds that the proposed amendments conform with the Comprehensive Plan, that there is

a public need for the amendments which serve the public need of the City of Canby, that they will preserve and protect the health, safety and welfare of the residents of the City of Canby, and that the amendments conform to statewide planning goals. Further, the proposed amendments serve to clarify standards and specify definitions for those areas of the Code which have repeatedly needed interpretation over the past couple of years, when applications have been reviewed.

Testimony

Karen Hering, Coldwell Bankers, 2330 Country Club Drive, addressed the necessity of "open house" and other real estate signs in rights-of-way areas, and the need to place them in rights-of-ways on weekends, as a great deal of real estate sales relies on such signs. The signs serve to direct people who are unfamiliar with Canby. Ms. Hering agreed that real estate signs placed on property other than that being sold, looks terrible and should be banned.

Allen Manual, 1612 N. Redwood stated that directional signs in rights-of-way are, more often, put up by outside companies, and "For Sale by Owner" signs are often placed in rights-of-way. Although "Open House" signs are essential to real estate firms, he requested that whatever is decided, be strictly enforced.

Don Smeback, 625 S.E. 7th Place expressed his concerns about permitted uses in M-1, Light Industrial, zones. He asked for clarification about recycling operations having to be reviewed by the Planning Commission and was informed that such use does require a public hearing as it is not a permitted outright use, but a conditional use.

With regard to day care, Mr. Smeback asked whether such use is restricted by the size of the lot. He was informed that the Oregon Revised Statutes states very clearly and specifically that a day care provider's home shall be considered a residential use of property for zoning purposes, and that the home shall be a permitted use in all areas zoned for residential or commercial purposes, including areas zoned for single-family dwellings, provided there are twelve or fewer children. For more than 12 children, a conditional use permit, reviewed by the Planning Commission for appropriateness, is required. Size of lot requirements for centers with less than 12 children may not be different than for single family homes in the zone.

Donna Jean McManamon, 525 SE 7th Place asked whether a business license was required for a day care facility. Staff explained that a business license was required and, in fact, all home occupations are required to purchase a business license.

Craig Bowcock, 503 S. Maple addressed the issue of C-R, Commercial/ Residential Zoning. He referred to the proposed changes to 16.24.030, stating they were too vague and somewhat restrictive on development. A piece of property he was interested in on the west side of S. Ivy, if zoned R-1.5 would only permit a duplex, whereas if the zoning remained R-2, he could build a four-plex unit. He requested that the Commission leave the wording as it is, and not amend it, as recommended by staff. [Staff recommended R-1.5 density, Mr. Bowcock wanted R-2 density.]

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

1. That the current language in the Code permits no signs whatsoever to be placed in City rights-of-way and that no signs are permitted in State rights-of-way. After a lengthy discussion, which included the difficulties of enforcing such signage issues on weekends, the Commission decided to pass the citizen's concern on to the City Council. The Commission did not include the sentence: "Such 'open house' signs may not be placed, even temporarily, within City, County or State right-of-way." in its recommendation. The original page 23 would then remain intact in the proposed ordinance amendments, with the sentence in 16.42.110 referring to "open house" signs.
2. The property on S. Ivy, zoned C-R, was discussed. Mr. Wheeler explained that this is a transitional zone which is very unique. He further explained that there is currently nothing specified in the development standards regarding density, under the C-R zone, for multi-family housing. An R-2 use is permitted as a conditional use, with no development standard, so it is unclear what development standards should be applied in that situation. One interpretation has been that if an R-2 use is permitted, R-2 density is permitted. The purpose of the proposed amendment is to clarify the standards for multi-family development. Mr. Hoffman explained that the Comprehensive Plan language just says mixed use residential in a commercial area, with no hint as to density, except to say that R-1 is a good interim zone. Jim Wheeler cited from the Comprehensive Plan about this particular area. He explained that this area is distinguished by a mixture of light commercial and residential activities connecting two areas of heavier commercial usage. He also explained that this

C-R category is intended to provide a unique opportunity for mixed uses, while maintaining a special focus on the access and traffic problems on S. Ivy Street. The Plan goes on to state that R-1 is an allowable, less intensive zoning, giving no direction about appropriate

development standards for other than single family development. Staff is recommending that the development standards be the same as R-1.5.

Mr. Manuel stated that this is a transitional zone allowing for a lot of change. He also stated that if the Commission adopts staff's recommendation, it would reduce the opportunity for more low income type housing in the City, which is badly needed. He specifically referred to a parcel on 3rd and S. Ivy, which is more than one acre of vacant land, and should be developed. Adopting staff's recommendation would not permit his plans to develop for this parcel. **Craig Bowcock** explained that he is building the four-plex on S.W. Third and had hoped to build a four-plex on Mr. Manuel's parcel.

The Planning Commission took a straw vote and agreed to pass a recommendation on to City Council that staff's recommended wording be approved. The vote was 3-2, two Commissioners preferring that R-2 standards be permitted under a Conditional Use. To summarize, in a C-R zone duplexes would be permitted outright at the R-1.5 standards on a 10,000 square foot lot and are exempt from Design Review. Triplexes would require a 14,000 square foot lot and undergo Design Review. The alternative would permit a fourplex or a 12,500 square foot lot, also a conditional use, with Design Review.

3. **Councilman Terry Prince** asked about landscape credit for preserving existing trees (16.49.110). Mr. Prince stated that he favors reducing the credit from 50% to 40%. Mr. Wheeler explained that without a Tree Ordinance, this appeared to be the only way to encourage preserving trees, but that reducing the maximum credit available to 40% was definitely acceptable. At the present time, the only criteria to determine the amount of credit appears to be the drip line preservation area, which could include trees and groundcover, and would only include areas preserved in the immediate vicinity of the development, preferably to include existing trees because the benefit is more immediate. The Commission agreed to the change. The recommended wording would then be changed to "40%."
4. Parking standards with regard to Day Care Facilities up to 12 children, must meet those of a residential home - two parking spaces per new home. Under a conditional use, (Day Care with more than 12 children, as proposed) the Commission can impose whatever parking restrictions it feels is appropriate. The Commission proposed adding, under Home Occupations, "one parking space per employee." It was decided that under 16.10.050, "e." would be changed to read "Residential Day Care Facility and Home Occupation," and the parking requirements would

be changed to read "1.00 space per employee," deleting the words "2.00 spaces per 6 children under care."

5. A discussion was held about whether or not the Commission wanted to amend 16.80, Mobile Home Subdivisions, to permit Manufactured Home Subdivision to be developed at approximately 85% of the standards of R-1 subdivisions. The question appeared to be "Does the City want to encourage Manufactured Home Subdivisions vs. Manufactured Home Parks?" The 85% level would encourage Manufactured Home subdivisions. Mr. Hoffman explained that they are outright permitted uses in an R-2 zone if there are 8 or fewer houses per acre. The density bonus issue and incentives were discussed with regard to manufactured home subdivisions and manufactured home parks in all residential districts, and a comparison was made with the lots in Cedar Ridge. Mr. Wheeler explained that manufactured homes are already proposed to be specifically included everywhere that mobile homes are listed in the ordinance. This section was inadvertently overlooked.
6. Definitions of Home Occupations that are permitted outright in R-1 zones, and the fact that they need City business licenses.
7. Minimum yard requirements was discussed, as was lot coverage. The Commission requested that staff investigate percentage coverage of lots. Mr. Hoffman explained that certain accessory structures are permitted to be built over easements and that some utilities have requested this not be allowed. Structures over 120 square feet must meet regular setbacks though.
8. The Commission discussed recreation and open space areas under the Chapter 16.44.030 proposed amendment and agreed that the minimum size of each such recreation and open space shall be three thousand seven hundred fifty square feet (3,750).
9. The Commission discussed concern about cul-de-sacs and the fact that frontage is waived when cul-de-sacs are constructed. It was agreed that standards regarding cul-de-sacs should be developed. Mr. Hoffman explained that there is a provision specifically allowing less than a 60 foot frontage when an average of the lot width at the setback line and the rear line is figured. The Commission requested direction regarding this issue.
10. Minimum requirements of a PUD - One of the objectives of having a PUD is that usually on a large parcel to be developed, there is a piece that should be preserved for some reason. The same number of units

can be achieved as if developed at normal density, except that a certain portion is preserved, resulting in smaller lots. What is being preserved should be "common area" based on how much of the bonus is taken. The bonus requested should dictate the minimum gross area devoted to common area or for park and recreational purposes. It was agreed the proposed wording would remain as is, and the percentages would be considered at the time the application was reviewed.

11. Site and Design Review Landscaping Provisions and the need for more landscaping in the Downtown Commercial zones, and the need for a better distinction between the C-1 and C-2 zones. It was suggested that, for Downtown Commercial zones, 7-1/2% might be a better minimum landscaped area requirement.

Mr. Wheeler explained that this report would go to the Council on May 5th, as per the LCDC 45-day notice.

Commissioner Fenske moved to recommend approval of TA 93-02 to the City Council, as amended during Commission deliberations. Commissioner Elliot seconded the motion and it carried unanimously.

VII. COMMUNICATIONS

None

VIII. DIRECTOR'S REPORT

None, due to the lateness of the hour.

X. ADJOURNMENT

The meeting was adjourned at 10:55 p.m.

Respectfully submitted,



Joyce A. Faltus