

CANBY CITY COUNCIL
REGULAR SESSION
OCTOBER 19, 1983

Mayor Gabrion presiding. Councilmembers present: David Anderson, Gary Sowles, Gene Clift, Bill Pulver, Scott Taylor and Nancy Kopelk.

Also present: Administrator Doug Zenor, City Attorney John Carskadon, Public Works Director Bud Atwood, Deputy Recorder Marilyn Perkett, Police Chief Jerry Giger, Myra Weston, Al Moore, David Bury, Stephan Lashbrook, Earl Oliver, Jim Kriegshauser, George Wilhelm, Linda McCarthy, Steve Frederick and Cheryl Anderson.

Mayor Gabrion called the regular meeting to order at 7:30 p.m., followed by the flag salute and meditation.

Roll call of the Council showed a quorum present.

**Councilman Sowles moved to approve as distributed the minutes of regular session, October 5, 1983, seconded by Councilman Anderson and approved unanimously.

CITIZEN INPUT ON NON-AGENDA ITEMS: Al Moore, representing the Depot Committee, informed the Council that they had received a letter of support in their quest for CDBG emergency funds, and were asking that the City of Canby support approval of their application. Councilman Sowles noted that he felt the City could write a letter of support. Mayor Gabrion noted that the appointed committee would handle the issue.

ORDINANCE & RESOLUTIONS: Administrator Zenor presented Ordinance No. 737, to Council for action on final reading. **Councilman Pulver moved that ORDINANCE NO. 737, AN ORDINANCE PROVIDING FOR ADVANCE FINANCING OF PUBLIC IMPROVEMENTS be approved and become part of the laws of the City of Canby. Seconded by Councilman Clift and approved 6-0 by roll call ballot.

Administrator Zenor presented Ordinance No. 738, on first reading for Council consideration. **Councilman Pulver moved that ORDINANCE NO. 738, AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF CANBY, OREGON, be properly posted and come up for final action at a regular session on November 17, 1983, (due to the fact that a quorum will not be present on November 2nd, that session will be cancelled). Motion seconded by Councilman Clift, roll call vote was for approval 4-0, with Councilmen Anderson and Taylor not voting due to a conflict of interest.

NEW BUSINESS: **Councilman Sowles moved to approve payment of accounts payable in the amount of \$27,896.74, seconded by Councilman Anderson and approved 6-0 by roll call vote.

Administrator Zenor reviewed the Police Department's request to purchase a crime analysis computer system with a tie-in to the Clackamas County Sheriff's Office (C.L.A.S.S.). Two options were presented,

October 19, 1983

an outright purchase of equipment using 911 Funds; or a lease agreement which would cost approximately \$330 per month, which is what the City now pays for the use of the LED's system. Chief Giger explained that the proposed system would provide the same information that the current LED's system provides and also all County-wide crime information. Administrator Zenor informed the Council if neither one of the aforementioned financing methods worked out, he would return to Council for reconsideration. **Councilman Clift moved to authorize the City Administrator to review the best method of financing for the proposed crime analysis system, either out-right purchase or leasing, and return to the Council at the meeting of November 16, 1983, with the results. Motion seconded by Councilman Taylor and approved unanimously.

Council reviewed a proposal from Bud Atwood, Public Works Director, for street alignment of S.W. 13th Avenue from S. Elm Street to S.W. Berg Parkway. Mr. Atwood pointed out that in compliance with the Transportation Element of the Comprehensive Plan, the Council has a responsibility to establish a route for S.W. 13th Avenue prior to further development of the area. Mr. Atwood cautioned the Council that if the route is approved then a condemnation of some sections to obtain right-of-way would be required. Also, if right-of-way acquisition is postponed until construction, the City could assume a liability of inverse condemnation. Mr. Zenor informed the Council that at this time staff is seeking approval of the concept and also approval to obtain an engineer to establish an exact route plan.

**Councilman Sowles moved to approve the concept of S.W. 13th Avenue from S. Elm Street to S.W. Berg Parkway and the exact route be subject to staff and engineering analysis and brought back to the Council for final approval. Motion seconded by Councilman Pulver and approved 6-0.

Mayor Gabrion called for a short recess at 8:20 p.m., reconvening the regular session at 8:30 p.m.

UNFINISHED BUSINESS: The next order of business was Council consideration of the hazard remaining from removal of the railroad depot. Staff presented two options: request Southern Pacific to fill the hole and gamble on a future lease price for the parking area; or utilize Public Works services for a cost of approximately \$750 to improve the site and request it be included in the parking area agreement and request a guaranteed lease renewal of \$385 per month (this is a \$50.00 increase) until the year 1990. **Councilman Taylor moved to approve the project of improving the railroad depot site with Public Works Department services for a cost of approximately \$750 for parking area. Seconded by Councilman Sowles. Councilman Taylor questioned if we could just fill the site without making it a parking area and request the Historical Society to share an approximate \$200 cost. Mrs. Weston noted that the site improvement was not their responsibility. **Councilman Anderson amended the prior motion mandating the approval with a prior lease agreement from Southern Pacific for a guaranteed parking lot lease for \$385 per month from 1985 to 1990. Amendment seconded by Councilman Clift and approved 6-0. Councilman Pulver commented that at the time the Historical Society approached the Council, the City was assured we would not be assessed for filling the hole. Vote on the original motion was for approval, 5-1, with Councilman Pulver voting nay.

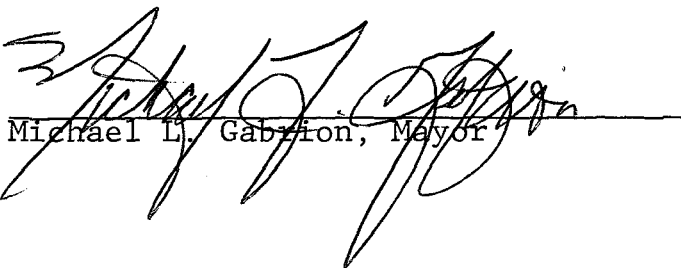
The Council had three names to consider for Planning Commissioner: Phil Seale, Jim McKibbin and Darrell Doering. **Councilman Sowles moved to appoint Phil Seale to the position of Planning Commissioner for the unexpired term of Charles MacKenzie, seconded by Councilman Anderson and approved unanimously.

OTHER REPORTS: Mayor Gabrion reminded Council to turn in their League of Oregon Cities Convention registration tonight.

Administrator Zenor requested Council consensus on the budget calendar which they had received earlier, noting that as time progressed some dates could be changed if necessary. Council gave a unanimous consensus of approval for the proposed budget calendar.

Administrator Zenor commented on a session he attended on Tuesday regarding the proposed "sales tax" and various tax limitations. He noted that more information regarding these issues would be forthcoming to the Council. Mr. Zenor also pointed out that soon the City Council would be asked to consider either Referral or Non-referral of the proposed Sales Tax.

Mayor Gabrion adjourned the regular session at 8:50 p.m.



Michael L. Gabrion, Mayor



Marilyn K. Perkett, Deputy Recorder

October 19, 1983

DATE: November 7, 1983

TO: Honorable Mayor and City Council

FROM: Bud Atwood
Public Works Director/City Planner

SUBJECT: Appeal of a Conditional Use Permit approved by the Planning Commission. Permit gives Canyon Ridge, Inc., authority to construct a manufactured home park on Estate Eight property.

APPELLANTS: Rod and Carol Beck, Arthur and Kathy Ellickson, John and Nadine Beck, Sam and Pat Schwarzin, and Mr. and Mrs. Bill Stevens.

PROCEDURAL INFORMATION:

C) Standards and Criteria: In considering an appeal, the Council shall utilize the record of the Commission in the matter and shall hear arguments only upon the content of that record without conducting a new public hearing or permitting new evidence. The Council's action on an appeal shall be governed by the same general regulations, standards and criteria as apply to the Commission in the original consideration of the application. The Council shall overturn the decision of the Commission only where one or more of the following findings is made:

- (1) That the Commission did not correctly interpret the requirements of the Land Development and Planning Ordinance, the Comprehensive Plan, or other requirements of law;
- (2) That the Commission did not observe the precepts of good planning as interpreted by the Council; or
- (3) That the Commission did not adequately consider all of the information which was pertinent to the case.

The following criteria, findings of fact and conclusions were basic in the Commission's action to approve this project.

I believe these facts and conclusions, along with the conditions of approval do justify the Planning Commission's action.

CRITERIA - The proposal will be consistent with the comprehensive plan and the objectives of the zoning ordinance and other applicable policies of the city.

FACTS:

- (A) Comprehensive Plan, Housing Element, Policy #5: Canby shall provide opportunities for mobile home developments in all residential zones, subject to appropriate design.
- (B) Comprehensive Plan, Housing Element, Policy #3: Canby shall coordinate the location of higher density housing with the ability of the City to provide utilities, public facilities and a functional transportation network.

- C) Comprehensive Plan, Housing Element, Policy #2: Canby shall encourage a gradual increase in housing density as a response to the increase in housing costs.
- D) Comprehensive Plan, Land Use Element, Policy #2: Canby shall encourage a general increase in the intensity and density of permitted development as a means of minimizing urban sprawl.
- E) Comprehensive Plan, Land Use Element, Policy #1: Canby shall guide the course of growth and development so as to separate conflicting or incompatible uses, while grouping compatible uses.
- F) Comprehensive Plan, Transportation Element: Canby shall provide the necessary improvements to city streets in an effort to keep pace with growth.
- G) Mobile home parks are not an outright use in any zone, they are however, a conditional use in all zones except Convenience Commercial (CC), Light Industrial (M-1), and, Heavy Industrial (M-2).
- H) Current engineering information indicates that S.W. 13th Avenue could carry 10,000 vehicle trips daily and South Elm Street could carry in excess of 4,000 trips daily. Current traffic count on S. Elm 2,009 trips daily.
- I) Statistics place mobile homes at 2.4 persons per unit and standard construction homes at 2.7 persons per unit.
- J) Every housing category except mobile homes had an increased vacancy rate in the last year.
- K) The State Highway Department uses 5.4 trips per day, per single family housing unit to compute traffic load.

CONCLUSIONS:

The approved plan is consistent with the Comprehensive Plan and the objectives of the Zoning Ordinance. The zoning ordinance permits siting a mobile home park in an R-1 zone, sanitary sewer, water service and electrical service are available to the property, the street system will be functional with 13th Avenue an arterial and S. Elm a collector street, joining the property. If the project is completed and all traffic from the project uses S. Elm, the traffic load would be well under capacity with approximately 2,555 trips daily.

Housing density will be increased by siting eleven regular homes and ninety mobile homes on the property as opposed to eighty-five regular homes if a regular subdivision plan were used.

Mobile homes do provide affordable housing and vacancy rates indicate a need for mobile home sites.

The Comprehensive Plan states a need to increase density and intensity, this plan will increase the population density for the proposed site by approximately 35 people.

By requiring large double wide mobile homes with conventional home type siding and roofing on the park perimeter and with the proposed landscaping, the homes will be similar to and compatible with regular construction.

South Elm Street could be improved through federal funding by 1985. This would blend with completion of this project.

CRITERIA - Taking into account location, size, design, and operation characteristics, the proposal will have a minimal adverse impact on the (a) livability, (b) value and appropriate development of abutting properties and the surrounding area compared to the impact of development that would be permitted outright in the zone.

FACTS:

- (A) The project will abut a collector street, South Elm and will join 13th Avenue, an arterial.
- (B) The Land Development and Planning Ordinance provides for conditions of approval on conditional use applications.
- (C) Park operation will be controlled by rules and restrictions implemented by the park management and approved by the Planning Commission.
- (D) The area presently sites a church, medical clinic, nursing home and a municipal water storage tank with pumping facilities.
- (E) This project will increase the area population density approximately 35 people over an outright zoning use.
- (F) Existing mobile home parks in Canby cause few problems and tennure is comparable to standard homes.

CONCLUSIONS

The project is located on an arterial street and a collector street which have capacity for the additional 546 daily trips this size project will produce.

A mobile home park is made up of single family homes and with the conditions of approval on this development requiring protection of trees, recreation facilities, street lighting on private streets, and landscaping. It will be comparable to a regular subdivision and no adverse impact should result.

Claims of reduced property value were not backed by any evidence.

Two existing mobile home parks in the City were built with far less control than is now imposed. Their operation has had few, if any, complaints registered against them and occupancy tennure is comparable to single family homes. This would suggest compatibility and discount the expressed concerns of transient type tenants.

< The present siting of a church, medical clinic, nursing home and water tower obviously have more adverse impact on a residential area than a mobile home park of single family mobile homes.

CRITERIA - The location and design of the site and structures for the proposal will be as attractive as the nature of the use and the setting warrants.

FACTS:

- (A) The perimeter of the park on the west, south, and east will be restricted to double wide homes with 1,200 square feet minimum. No all metal exteriors will be permitted.
- (B) All mobile homes will have approved skirting.
- (C) A majority of trees will be retained and protected.
- (D) Fifteen (15) feet of landscaping and a site obscuring fence will be installed and maintained on the perimeter.
- (E) Recreation facilities will be provided within the development for residents.

CONCLUSION

The completed project will be attractive and compatible with the surrounding area. Large mobile homes with 1,200 square feet minimum will be placed on the park perimeter, and they will have conventional siding and roofing.

A majority of the trees on the property are protected to further enhance the project and help air quality.

With fifteen (15) percent of the area landscaped, it will be as attractive as the use and setting warrant.

The recreation and park area will provide for the residents and relieve extra load on city facilities. 12,500 square feet of park area with trees, plus 9,000 square feet of other recreation area (children's play area, tennis courts, and recreation room).

CRITERIA- The proposal will preserve assets of particular interest to the community.

FACTS:

- (A) No trees to be removed that can safely be left to enhance living environment.
- (B) Trees bordering on S. W. 13th Avenue are to be protected by a deed restriction placed on the face of the final plat.
- (C) An area of approximately 100' x 125' which includes the grove of fir trees in the southeast portion of the park is to be preserved.
- (D) Comprehensive Plan, Environmental Element - Canby shall encourage the urbanization of least productive agricultural areas within the urban growth boundary as a first priority.
- (E) This property has not been farmed since 1979.

CONCLUSIONS

The trees that are protected are the only assets of particular concern. The property has not been farmed in the last four years, therefore agricultural use is not a prime factor in the decision process.

CRITERIA- The applicant has a bona fide intent and capability to develop and use the land as proposed and has some appropriate purpose for submitting the proposal, and is not motivated solely by such purposes as the alteration of property values for speculative purposes.

FACTS:

- (A) The applicant has designed and constructed numerous developments. Four of these are:

Forest Manor Apartments - Canby, Oregon
Rose Garden Subdivision - Clackamas County
Summerset No. 2 Subdivision - Clackamas County
Wilshire Meadows Subdivision - Clackamas County

- (B) Bonding will be required for the project.

CONCLUSIONS

Past preformance of the applicant indicates that he has the skill to build the project and the ability to provide financing.

Until the City of Canby has a Comprehensive Plan approved by L.C.D.C., we are required to address the applicable Statewide Planning Goals in any land use decision made in the City.

Goals 15 through 19 are not applicable to this application.

- 15 addresses the Willamette River Greenway
- 16 addresses Estuarine Resources
- 17 addresses Coastal Shore Lands
- 18 addresses Beaches and Dunes
- 19 addresses Ocean Resources

The applicant addressed Goals 2, 3, 4, 7, 8, 9, 10, 11, 13, 14. His conclusions were accepted as part of the hearing testimony.

The remaining Goals 1, 5, 6, and 12 are addressed as follows:

Goal 1 - Citizen Involvement

This goal has been met through the various citizen committees involved in developing the Comprehensive Plan and by the Planning Commission serving as the Citizens Advisory Committee. The public hearing process also provides for citizen involvement.

Goal 5 - Open Space, Scenic and Historic Areas, and Natural Resources

Open space has been provided through the preservation of areas with trees and the recreation areas. Natural resources are preserved through the protection of trees.

Goal 6 - Air, Water and Land Resources Quality.

Water and soil protection are provided by Canby's sanitary sewer system and proper control of ground water run-off from streets and other surfaced areas. Landscaping and tree preservation will help air quality.

Goal 12 - Transportation

This project is located near an arterial street and has properly designed streets within the project to provide proper traffic flow. No traffic problems should result from the addition of this development.