

CANBY PLANNING COMMISSION
Regular Meeting

August 24, 1992

7:30 p.m.

I. ROLL CALL

Chairman Schrader explained that MLP 92-08 has been rescheduled to September 14, 1992, leaving two items on this agenda for public hearing.

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

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

Others Present: Marilyn and Morris Holum, John Watson, Tom Weber, Lois and Earl Kislner, Karen Haring, Larry Chapman, Russ and Laine Newcomer, Lowell Morse, Russ Newcomer, Dennis Wolf, Earl and Julie Bighouse, Darren Welborn, Vince Pavlicek, Butch Olsen

II. MINUTES

The minutes of August 10, 1992 were tabled to September 14, 1992.

III. COMMISSION DISCUSSION OF PLANNING ISSUES

Commissioner Fenske referred to his handout regarding Advanced Financing, and explained that he would like feedback from staff and the Planning Commission as to whether it is going in the proper direction. He explained that all three documents were the same, and that there was space on one of them for input. Mr. Hoffman reported that Mike Jordan appreciated the effort that went into the handout. The City has received an application which will require investigation into Advanced Financing.

Chairman Schrader announced that a meeting is scheduled for September 15, 1992 for the Parks Committee and the Clackamas County Recreation District.

Bob Hoffman discussed the Comprehensive Plan Amendment initiated by the City and the contract between the County and Canby. Since he submitted the packet with this information, he has heard from the County who, so far, says the contract looks okay. We will receive their comments shortly.

IV. COMMUNICATIONS

None

V. FINDINGS

The Final Order for **DR 92-07 (Payless)** was approved unanimously, as amended, with the three Commissioners who were not present at the last meeting, abstaining.

The Final Order for **MLP 92-07 (Griffy)** was approved unanimously, as amended, with the three Commissioners who were not present at the last meeting, abstaining.

The Final Order for **MLP 92-06 (Lenhardt)** was approved unanimously, as submitted, with the three Commissioners who were not present at the last meeting, abstaining.

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 [Pine Crossing]. All units shall be 28 foot wide, double-wide homes, in semi-permanent settings, with wood composition siding and composition shingle roofs. Metal roofs or siding will not be permitted. Special attention will be paid to design and maintenance of landscape and irrigation areas. 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).

Chairman Schrader reviewed the hearing process and procedures. He asked if any Commissioners had ex-parte contact or conflict of interest. None was expressed, other than visits to the site, at which time no decisions were made. Dr. Schrader pointed out that the criteria for a Conditional Use application was available, on the flip chart for public review.

Jim Wheeler presented the staff report. He explained that the existing house on the site will remain, and will be separated from the manufactured home lots by existing hedges and fences, and will be rented. Part of the subject property will be located north of the proposed S.E. 3rd Avenue. To the north of the parcel are homes on S. Pine and two mobile home parks. To the south and east are vacant properties. The property to the south is zoned R-2, and property to the east is zoned Light Industrial. The subject site is zoned both R-1 and R-2. For a manufactured home park the density allowed in an R-1 zone is 7 units per acre, and the density allowed in an R-2 zone is 12 units per acre.

At the present time, S. Pine Street is a 20 foot right-of-way which continues through the property and along its southern boundary. The right-of-way is proposed to be vacated by the City, in conjunction with dedication and improvements of other roadways within this project. The applicant will provide a full twenty feet of paved surface from the subject parcel to 99-E, dedicate land for the extension of S. Pine and S.E. 3rd Avenue, and pave S.E. 3rd Avenue. The City is in the process of trying to acquire more property in order to make S. Pine wider and to realign Pine from 99-E. At the present time 20 feet is sufficient to access the proposed development. The proposed 60 feet of road to be dedicated to the north will become S.E. 3rd Avenue, which will include 44 foot pavement, curbs, and sidewalks. S. Pine, from the new S.E. 3rd, will run from the property's eastern boundary and is proposed with a 25' dedication from the centerline. The S. Pine improvements, for the eastern part of the subject parcel, will occur when further development of neighboring properties warrant such improvement. Future traffic signalization for the intersection of 99-E and S. Pine will become necessary. The applicant is proposing sidewalks for the portions of the parcel that will front on a public street and such proposed sidewalks meet City requirements. The widths of the proposed private roads will warrant restriction of on-street parking to one side only, and signage to this effect should be placed within the park.

This project will become part of the City's effort to bring necessary transportation and utility service to the Southeast Industrial Area. The size and location of the sewer line meets the needs specified by the City to service this parcel and to assist in future development of properties to the east and south. The applicant will be responsible for extending the sewer line to this property and to the southern and eastern edges of this property.

The existing 12-inch water line is within seven feet of the eastern property line. In its Request for Comments, Canby Utility Board stated that the 15-inch sewer line, planned from 99-E to the property line [and then a 12-inch line to the southern boundary of the property], cannot be within ten feet of the water line. Therefore, with

the plan for extending S. Pine Street along the eastern property line the sewer line will be placed within three feet of the curb, once the street is constructed, or on the adjacent property to the east [Mr. Borg]. In the opinion of the Public Works Director, the proper placement of the sewer line would be within on the adjacent property to the east. The applicant would still be responsible for extending the sewer line to the southern property line of his parcel. To the north, across S.E. 3rd, part of the property is proposed for RV storage. There exists a possibility for a land swap with the abutting neighbor, to afford the neighbor a better lot, and create a deeper lot for the RV storage. Such a trade would be reviewed by the City Planner, as per proposed condition #16.

One access point is proposed for the Mobile Home Park, split into two 13 foot wide lanes, with a 12 foot landscaped island in the middle. Section 16.46 requires a maximum of 54 units for a looped road system, with one access point. Such reasoning is "to assure that sufficient access is provided for emergency response, as well as the convenience of residents." The applicant proposes a looped interior road system with 24 foot wide roads, with 22 foot wide roads crossing the looped system. Three foot sidewalks will be provided along one side of the road system. After reviewing the proposal, the Fire Marshal stated that another access point is unnecessary. The applicant submitted evidence in support of his position that residents of the park will not be inconvenienced by having only one access point. With those two points adequately addressed, staff supports the applicant's position that more than one access point is unnecessary.

Mr. Wheeler then reviewed staff's evaluation with regard to mobile home and trailer park standards and criteria, Section 16.44.030. Eleven foot setbacks are proposed for all lots from the roadway. Paved, three foot wide, pedestrian paths or walkways will be provided along at least one side of each private road. The typical site plan layout separates individual units by a minimum of 22 feet, and each unit shall have a concrete patio area that is at least 150 square feet. Staff determined that a wood deck is a suitable alternative to a concrete patio. The applicant proposes one play area of approximately 5600 square feet, and two open space areas. A minimum of fifteen percent of the total development shall be landscaped. The applicant proposes a sight-obscuring wood fence for the site perimeter. The existing home, on an approximate 12,000 square foot lot, will be separated by hedges and a fence, from the mobile home park.

Staff recommends approval with conditions, as indicated in the written staff report, some of which Mr. Wheeler reviewed in some detail.

Applicant

John Watson, 6 Othello, Lake Oswego stated that:

1. The original plans for a manufactured home park on this site began in 1988. At that time, Pine was planned to run straight to 5th. In 1990 plans changed with the Larson Minor Land Partition and Mr. Watson appeared to lose a piece of property, which is planned for RV parking now.
2. He has a 10 foot easement for a twelve foot water line that extends to the southern end of the property. The water line is located in his easement. There might be an existing easement on the Borg property for water. The City wants a 25 foot easement, of which 15 feet will be street. The drawing shows a half street improvement. Further clarification is needed. Mr. Watson explained that he prefers to give the dedication and get a utility or street improvement agreement until such time as development justifies doing full improvements, at which time he would contribute, with adjoining land owners. He said he understands that there would be a 60' right-of-way coming from 99-E, along S. Pine, with 100' radius.
3. To avoid hardships [of a 20' dedication] for the existing homes on S. Pine [near proposed S.E. 3rd], Mr. Watson said he hopes to get additional easements from adjoining property owners for the 60 foot right-of-way. Therefore, Mr. Watson said he proposes 24 foot partial street improvement and to finish it to full street improvements when adjacent property is developed.
4. A 15" sewer line from 99-E was not discussed previously. Mr. Klem had told him an 8" sewer line would need to be extended from 99-E.
5. The play area was so situated because there is no traffic in that area and it is a buffer for the existing home. Situating it there also saves trees and natural vegetation. The play area would be accessible via sidewalks.
6. The hammerhead only serves as access to two lots.
7. There are planned walkways/paths to Canby Manor to the northeast via a street that ends at the proposed development; and to the north, to Redwood Manufactured Home Park. If apartments are developed to the west, a walkway would be built there too.

8. He spoke with Richard Kraxberger, whose land abuts the proposed recreational vehicle parking area, regarding a property swap. Such swap would offer Mr. Kraxberger a good buffer and to have a deeper area for parking recreational vehicles.
9. The original plan included 70 spaces and two accesses. The current plan better supports the industrial park and actually requires a greater lineal foot of interior streets, a larger dedication for public streets and greater lineal footage for public streets to be constructed as part of this development, and a greater lineal footage of sewer. This plan also has less green space because there is more street footage and a strip of land is shaved of the property on the east side, causing him to lose a valuable RV parking area.
10. Mr. Watson requested clarification of the future street improvements and sewer improvements.
11. With regard to the 12 foot setback requirement from streets, Mr. Watson explained that he will landscape the setback area and put in a sprinkler system. Additionally, there will be one tree planted, per lot, on the streets.
12. Mr. Watson submitted photographs of another manufactured home park, showing various lot designs with large setbacks, showing how the lots vary in landscape design, and showing potential entry design.
13. Mr. Watson suggested that since this area is being developed rapidly, that the City should take the role of tying it together like a campus, with similar lighting, trees, landscape strips, etc.

Proponents

None

Opponents

None

Neither For Nor Against

Marilyn Holum, 254 S. Pine, a resident of one of the houses directly to the north of the site, stated her concerns:

1. Whether the only exit from the proposed park was on Pine to 99-E. Mr. Wheeler stated that, at the present time it was, but that eventually S.E. 3rd Avenue would be developed to Township, through Redwood, and Pine would eventually be developed to Township.
2. The minimum unit size - whether they would be single-wide or double-wide. Mr. Wheeler stated that the applicant stated there would be one single-wide and the majority would be double-wide. There is a minimum of 800 square feet for a single-wide and 1,000 square feet for a double-wide model. Mr. Watson stated that the average home would be approximately 28 x 48. All homes are required to be double-wide, except for one lot which is sized for a single-wide. All homes will be set down into the ground about 12 inches. There will be no metal sides or roofs and no metal skirting.
3. Ms. Holum asked about the widening and improvements for Pine and asked that her concerns about how they would be funded, be addressed. At the present time Pine is a dead-end street and the pavement stops before it reaches her property. She further stated her concerns about the increased traffic from the proposed development, as this appears to be the only access. An additional concern includes the loss of land in front of her home. Mr. Wheeler stated that since the edge of the existing right-of-way is the edge of their property, the presently planned paving would not infringe on their property. In the future, it appears that the expansion of the road would infringe on their property. At that time, dedication and/or infringement would be discussed with the property owners, as the City is not planning to condemn land for this project. There is a provision in the ordinance permitting residents to request a waiver from hooking up to the City sewer, even though staff is unsure of the planned location. Mr. Wheeler suggested Ms. Holum come into the office and talk with him, Mr. Hoffman, or the Public Works Director, Rusty Klem. Mr. Hoffman stated that, in previous talks with the applicant, he advised Mr. Watson he would not support widening of Pine any closer to the existing homes than the current road already is.

Rebuttal

John Watson stated that he will improve 20 feet of road in front of the two existing homes on Pine at his cost, from the end of the existing pavement to the access to his property, but that he will not install a curb or sidewalk. Additionally, Mr. Watson stated he will pay for the 8 inch sewer line, but that the existing home owners would have to help him fund it when and if they hook up to the system. Mr. Watson further stated that he is trying to help extend sewer to the new school, and is working with the school officials.

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

1. Public facility issues, which included easements, the size of the sewer line and the proposed roadway system. Mr. Wheeler explained that the property, currently, does not have access to a public road. The minimum necessary is 20 feet of paved surface and what is proposed, is 20 feet along the existing Pine Street right-of-way, from the property to where Pine is already paved. The future improvement of Pine Street, from the subject parcel to 99-E, depends on the adjacent property owners. The Pine Street design shown is what City officials have attempted to work out with the applicant and the final design will go before City Council for final approval. S.E. 3rd Avenue is located entirely on the applicant's property and he will have to build full street improvements. In a letter from Mr. Klem to the applicant, it states that the sewer will be 15" to the eastern edge of the applicant's property. Neither the letter, nor staff conditions, specifically state that it will come from 99-E to his property. The cost of oversizing the sewer line will be paid by the City, as the applicant only needs an 8 inch line, and this will be worked out between the applicant and the Public Works Director, who also stated that the sewer must be in at the time of development. There is to be a 15 inch line in 3rd Avenue and a 12 inch line in Pine. Mr. Hoffman explained that there are adjustments in the fee structure to account for differences that have to do with oversizing and the applicant can apply for advanced funding. Mr. Hoffman further reminded the Commission that the City has applied to the Economic Development Agency for use of lottery money to help build this facility through the area.
2. Amending proposed condition #14 to delete the words "lake areas."

3. The previously approved alignment and radius of Pine Street for the main access to the industrial area which, Mr. Hoffman explained, City Council's recent action amended. Council directed staff to pursue the currently proposed alignment. The Commission discussed the alignment of S. Pine with the north section, through this property.
4. The vacation of the 20 feet of right-of-way on the south edge of the property. Mr. Wheeler explained it would become part of this property, where it was probably dedicated from originally.
5. The lack of fire hydrants at Canby Manor, where there is only one access.
6. The hammerhead in the middle of the development, which access Lots 63 and 64, and the play area, and is sufficient for turnaround purposes, according to the Fire Marshal, who deemed it suitable for emergency purposes.
7. The play areas and whether they are situated wisely, as opposed to being more centralized. Mr. Wheeler explained that the play areas, as designed, presented some buffering from the existing home.
8. S.E. 3rd Avenue - with regard to the street cross sections. Mr. Wheeler explained that S.E. 3rd is intended to be a full industrial street and would be built to City standards, forty-four feet wide, with the approval of the Director of Public Works. Mr. Klem is asking for 40' on S. Pine from S.E. 3rd. The applicant's submittal, with regard to paved surface, is incorrect.
9. The single access - Mr. Wheeler explained that with the landscaped strip island in the middle, both lanes would not, most likely, be blocked at the same time. Emergency access would always be available. The Commission agreed Section 16.46, with regard to Access, must be interpreted literally when considering a Conditional Use application for a mobile home park. Two 13' one-way accessways are not the same as a 26 foot access drive. There are three ways to resolve the access issue under this section of the Ordinance - 1) a variance; 2) a PUD Overlay [which would require a 32 foot wide accessway]; or 3) a second accessway. One accessway, as proposed, would permit 54 lots. A 40 foot access street would permit 60 lots, so it has to be a 30 foot street with a PUD or two accessways. Mr. Watson said he would consider an access from Pine Street, but that he would have to alter the width and lose the island to do so. This would also require half-street improvements right now, or he could leave it as open space until the street is in, and then do the access. Conditional Use language gives the Planning Commission the latitude to designate where access should be and what configuration it shall take.

10. That the applicant shall advise residents that some lots abut the industrial area.
11. The Commission agreed it was best to require a bond to be posted to ensure the half-street improvements along Pine actually do happen in the future. Mr. Watson stated that he gave the City a sample agreement which attaches a lien to the property if the improvements are not completed. The Commission agreed to modify proposed Condition #4 to add bonding requirements for the S. Pine half-street improvements, south of S.E. 3rd Avenue.
12. The Commission agreed to add, to proposed Condition #2, wording about consulting with affected adjacent property owners, to ensure they are not burdened by this development.
13. Proposed Condition 10b - The Commission agreed the ordinance requires a concrete patio. The Commission agreed to follow the ordinance literally and delete the words "wooden deck."
14. The Commission discussed open space. Staff pointed out that there is sufficient yard space on each lot. Additionally, the Commission agreed open space should be developed and fences installed prior to building permits issued.
15. The Commission discussed proposed Condition #11. As the applicant indicated only one single-wide manufactured home will be permitted, the Commission agreed that the first word in Condition 11 be changed from "All" to "The."
16. The Commission discussed continuing this application until certain matters are cleared up.

Responding to some of the above discussion, **John Watson** stated that:

1. Access was an issue he believed was worked out with the City and the Fire Marshal. Additionally, the island in the center of the access way could be removed. A single access provides more tenant security than multiple accessways. Mr. Watson further pointed out that traffic studies support single accessways and he is opposed to a second accessway.
2. The ordinance is archaic with respect to concrete patios and, in most cases, wood decks cover concrete patios.

3. With regard to open space, Mr. Watson explained that corner lots are extra wide to enhance the open space. Additionally, he stated he will develop open space and build fences first, to attract people to his development.
4. Mr. Watson asked for clarification about the width of the pavement on Pine Street, whether it will be 40 or 44 feet of pavement. The advantage of doing a 24 foot strip is that when the width is determined, it can be added on to. If the full 60 foot, with 40 foot of asphalt and curbs is required, he is prepared to do that. He is prepared to build the streets or submit a bond, whichever is required. Regarding the street on the southern part of the parcel, he stated he will build half street improvements, or submit a bond, because that street depends on the width of Pine Street.

Chairman Schrader suggested getting more input from Public Works about its concerns and, therefore, continuing this application to September 28, 1992. The applicant agreed to waive the 120 day requirement if the amended application, addressing the Commission's concerns, could be heard simultaneously with his Design Review application. **Commissioner Maher moved to continue CUP 92-10 to September 28, 1992, as the applicant has waived the 120 day requirement, in order to resolve some of the Commission's concerns. Commissioner Zieg seconded the motion and it carried unanimously.**

MLP 92-08, an application by Dave Anderson (applicant) and Douglas Hanson (owner) for approval of a Minor Land Partition to divide an approximate 32 acre parcel into two lots, approximately 10 acres and 22 acres, respectively, to facilitate a sale on the 10 acre parcel. The property is located on the north side of S. Township Road, and on the west side of the Logging Road (Tax Lot 1801 of Tax Map 3-1E-34C). ***The application was submitted and noticed as a two-lot Minor Land Partition (MLP 92-08). The City is requiring dedication of land for a roadway, resulting in the creation of four lots, possibly five lots, depending on the exact location of the land dedication. With the additional number of lots and the land dedicated for a roadway, the application must be reviewed and noticed as a subdivision. Carried over to September 14, 1992.***

SUB 92-03/PUD 92-01, a request by Cypress Ventures, Inc. for approval to replat the subdivision into 56 lots and waive the senior housing restriction. The property is located at the western end of S.W. 13th Avenue, west of S. Elm Street (Tax Lots 100-8200 of Tax Map 4-1E-4CB). ***Continued to September 14, 1992.***

VII. NEW BUSINESS

None


VIII. DIRECTOR'S REPORT

Mr. Hoffman explained that City Council will hold a hearing on September 16th, for the Comprehensive Plan Amendment which is required by DLCDC in response to Canby's Periodic Review which was done in 1988. The Planning Commission will hold a public hearing for this amendment on September 14, 1992. The agreement between the County and the City would be adopted by Council, as a separate resolution. A discussion followed about the UGB and when the boundaries became effective. The Commission asked if there was any way to force tree protection, as part of the County/City agreement, regarding areas proposed to eventually be annexed into Canby. Mr. Hoffman did not think that was possible at the present time. The Capital Improvement Projects were then discussed. Mr. Hoffman explained that, under law, the City is required to submit long-range and short-range projects.

IX. ADJOURNMENT

The meeting was adjourned at 11:15 p.m.

Respectfully submitted,


Joyce A. Faltus