

APPROVED

MINUTES

CANBY PLANNING COMMISSION

*Regular Meeting
November 8, 1993
7:30 p.m.*

I. ROLL CALL

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

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

Others Present: Pat Harmon, Paul Boring, Merrill Drury, Miki Drury, Tim and Eva Hunt, Brad Roberts, Ted Troutman, John Watson, Karen and Alan Grady, Mark Kaija, Mike Schwartz, John Christensen, Tom DeCuman.

II. MINUTES

None

III. CITIZEN INPUT ON NON-AGENDA ITEMS

None

IV. COMMUNICATIONS

None

V. FINDINGS

Commissioner Fenske moved for approval of **CUP 93-01/DR 93-05** [Canby Elementary School District] Findings, Conclusions and Order, as corrected. Commissioner Wiegand seconded the motion and it carried 5-0, with Commissioners Schrader and Elliot abstaining.

Commissioner Fenske moved for approval of MLP 93-05 [Broetje] Findings, Conclusions and Order. Commissioner Mihata seconded the motion and it carried 5-0, with Commissioners Schrader and Elliot abstaining.

VI. NEW BUSINESS

None

VII. COMMISSION DISCUSSION OF PLANNING ISSUES

Mr. Hoffman reviewed his memorandum regarding an amendment to the Land Development and Planning Ordinance, Section 16.08.090, initiated because staff recently realized that merely issuing building permits on lots does not trigger street widening, which the City would ultimately have to pay without lot-owner participation. He reviewed two alternatives. The first would retain the present exemption which presently applies to small commercial improvements. If the change to the lot was \$20,000 or less, it would be exempt from paying for any improvements. It would be amended to delete the word commercial so it would apply to all zonings and the cost of the improvements would not exceed 20% of the building value, keeping the cost of the improvements proportional to the development itself. It would allow the possibility of bonding, or contributing to a fund which would be held until the improvements were made. Alternative #2 would broaden this somewhat in that any improvement on a lot would trigger the requirement, even an improvement of less than \$20,000. No one would be required to pay more than 20% of the cost of the improvements to go toward the streets, sidewalks, or other public improvements needed at the lot. The City would hold the monies until enough was accumulated to do the improvement. Mr. Hoffman added that he favored Alternative #2 because any improvement does add demand on the facilities and whatever the size of the improvement, it should pay its share towards meeting City needs. Under the current exemptions, there is a lot of building taking place without even street improvements being made. He reminded the Commission of a recent annexation where no improvements were done. With this amendment, the requirement would be triggered for the owner to make street improvements.

The Commission asked how the property owner would be assured that the monies he paid would be used for the purpose collected. Mr. Hoffman explained that the monies would be deposited to a specified fund earmarked for that improvement, similar to "fair share" funds for specific improvements.

The "20% of the building value" was discussed. Mr. Hoffman explained that it was dependent upon the value of the improvements made. The intent, he stated, is to assure the property owner that the amount of assessment was directly related to the cost of improvements. If a current building does not meet ADA standards, approximately 20% of the cost of current improvements would have to go toward making facility improvements to meet ADA standards.

The Commission expressed concern that the 20% assessed on improvements might appear excessive. Mr. Hoffman pointed out that it indeed improves the value of the lot and that the intent is primarily for lots where substantial improvements to an existing home are being made to insure that street improvements are made. It was agreed that the wording should be changed to "20% of the building permit value" and delete "as determined by the Building Code" in both alternatives. Mr. Hoffman further explained that the improvements do not have to be done until more than one improvement is ready on a particular street. The monies would remain in the "fund" until then.

The Commission asked staff to bring examples of costs of street and half-street improvement costs to a future meeting. It appeared the Commission was leaning more toward alternative #2.

Mr. Hoffman then brought the issue of bringing the Zoning Map into conformance with the Comprehensive Plan designations. He directed the Commission's attention to the Zoning Map and pointed out lots that could be developed at higher densities if they were in conformance with the Comprehensive Plan designations, even if there are houses presently on the lots. In the industrial, commercial, and downtown zones, there are very few lots which do not conform to the Plan. Most of the lots that are not in conformance are in residential zones. The Commission asked staff to look into this further and bring a list before the Commission of lots that should be brought into conformance, especially behind the Fairgrounds and on Territorial. Mr. Hoffman explained that Township Village would not be included because of the Transportation Plan that is underway, although it would be desirable to connect Township Village to S. Ivy, which idea the County is resisting. At the present time, traffic is directed onto Township Road, to Ivy, and then south to 13th Avenue.

Regarding the tree issue, Ms. Mihata explained that the City Council encouraged the tree committee to continue its work, which will be discussed shortly, at another Council meeting. Council encouraged the committee to submit more specifics regarding street trees, pre-development trees, and trees in commercial areas. Alternatives could be submitted to Council for direction.

A proposed list of street trees has been sent to a consulting arborist. The arborist suggested that the optimum pattern be a sidewalk against the curb, with trees planted behind the sidewalk. A planting width between a sidewalk and curb is usually 5 feet. Most of the roads are 36 feet curb-to-curb with two feet of right-of-way on each side, leaving very little planting room in the right-of-way. Planting would have to be contracted out, since the City crew does not want to incur the liability in planting outside the right-of-way, which would make planting street trees more costly. Staff was asked to bring a diagram before the Commission showing planting strip alternatives with impacts on rights-of-way and easements. Staff might also show where taxable land could be lost and offer possible ordinance changes with rewording that could authorize more functional planting strips.

Regarding Advanced Financing, the Commission agreed to send the Ordinance directly to Council for public hearing. **Commissioner Maher moved to approve a resolution supporting the Advanced Financing Ordinance.** Commissioner Elliot seconded the motion and it carried unanimously.

VIII. PUBLIC HEARINGS

SUB 93-04, an application by Patrick S. Harmon for approval to develop a 1.36 acre parcel into a 5-lot subdivision [Evergreen Subdivision], retaining the existing single family home on one lot. The property is located on the north side of N.E. 10th Avenue, east of N. Maple Street [832 N.E. 10th Avenue] (Tax Lot 2200 of Tax Map 3-1E-33AA).

Chairman Schrader asked if any Commissioner had ex parte contact or a conflict of interest. Other than visiting the site, but drawing no conclusions, none was indicated. He then reviewed the hearing process and procedures.

Mr. Wheeler presented the staff report. He explained that the applicant has proposed a relatively minor revision to the lot layout, which he distributed. The property, he pointed out, is located on the north side of N.E. 10th Avenue between N. Maple and N. Oak. Maple Street Park is located immediately to the north of the site. The property has limited frontage on 10th Avenue, approximately 56 feet. The proposal includes a private access road extending approximately 100 feet north off N.E. 10th Avenue onto proposed Lot #1, turning east 150 feet across the southernmost portion of proposed Lot #4. The private access road would be curbed, with a sidewalk. Proposed Lots #2 and 3 would be considered flag lots as they would share a 20' mutual access drive which would extend to the actual private road. The original proposal included an 8" sewer line to run 100 feet north of N.E. 10th, which will now have to be extended along the full length of the private road. In the access area there are

cedar trees which appear relatively healthy and should remain. There appears to be 20 feet east of the trees for a paved road and sidewalk. After due consideration, staff recommends that the private road be named N. Noble Court, as there is a N. Noble Street north of Maple Street Park. Turnarounds for emergency vehicles appears sufficient using the driveways and flag lot, but would have to be approved by the Fire Marshal. A fire hydrant would be necessary approximately 100 feet north of N.E. 10th. The applicant proposes to extend the property line of proposed Lot #2 ten feet to the east, which would extend the access drive to the end of the property line. Lot #2 would then have an east-west dimension of 110 feet, and Lot #3 would have an east/west dimension of 90 feet. Such lot line adjustment would also bring Lot #3 into conformance with the solar ordinance. Thus, eighty percent of the lots would meet the basic requirements of the solar ordinance. Mr. Wheeler then reviewed the proposed conditions.

Applicant

Pat Harmon, P.O. Box 216, Canby stated that it was difficult to come up with a plat map with good, clear readable dimensions. For the most part, what he submitted was to depict legal descriptions. Mr. Harmon stated he concurs with the staff report. The amended request is a result of his discussions with Jack Stark, the Fire Marshal, who expressed concerns regarding the access. Mr. Harmon explained that he is living in the existing home on the site and is planning to improve it to compliment the neighborhood. The change to the street layout was mainly to improve the aesthetics of the subdivision. All utilities, he explained, will be engineered to meet service providers' requirements. As no curbs and sidewalks currently exist along N.E. 10th, Mr. Harmon requested a waiver of remonstrance until it can be all done at one time. The open space at the entrance to the subdivision is primarily at the right of the entrance road and will be the responsibility of the owner of the 15,000 square foot lot. In order not to disrupt the environment, as many healthy trees as possible will remain on the site, but siting the homes must be taken into consideration. Mr. Harmon further stated that he removed 2 chestnut trees from Lot #3 because they would have impaired the solar access, were overgrown, and much too large. He added that they were extremely brittle and dangerous, and would have incurred too much liability on his part.

Proponents

Tom DeCuman, 1205 N. Oak stated that he talked with most of the neighbors, who are all in favor of this proposal, and agreed the chestnut trees did have to be removed. Mr. De Cuman stated that his only concern was the type of

homes that were going to be built - whether they would be low income or medium income housing, or multiple dwellings. Mr. Harmon assured him that they were not going to be government subsidized houses.

Tim Hunt, 840 N.E. 10th Avenue commended the Planning Commission for noticing the incorrect scale. He stated he was not impressed with the new idea and scale as it was too vague and it appears that his home would be surrounded by asphalt sidewalks. Mr. Hunt requested that manufactured homes not be permitted on these lots, but Chairman Schrader explained that the new State law permits manufactured homes on any City lot statewide, as long as the home meets certain HUD requirements. Mr. Hunt suggested that access to Maple Street Park, via this subdivision, might be suitable for neighborhood children. Chairman Schrader explained that all the roads within this subdivision were private roads. In conclusion, Mr. Hunt stated he would like to see a design more adequately drawn to scale, rather than sketched so roughly.

Micki Drury, 880 NE 10th stated that she lives immediately to the south. She added that if the subdivision was as carelessly developed as the drawing appears, she would oppose it. Ms. Drury further stated that the design should be based on **real** figures from County records of the property so everyone could be assured of the exact square footage.

Paul Boring, 860 N.E. 10 stated that he concerned about the drawings, and would like to see the relationship of the surrounding homes, especially his property line, on the proposal. One driveway, as proposed, is 15 feet from his bedroom and from his neighbor's bedroom, and headlights would shine into the room. Additionally, the driveway, as shown, appears to be 75 feet from the new gate proposed at the Fairgrounds and Mr. Boring wondered if it would create a traffic hazard. He encouraged Mr. Harmon to develop the site with single family homes that would compliment the neighborhood.

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

1. The various possibilities of providing functional turnaround areas for emergency vehicles which, the Commission agreed, should be left up to the Fire Marshal, to allow for a solution which will minimally impact the developer's project.
2. That N. Noble Street should be more appropriately named N. Noble Court.
3. That a copy of CC&Rs for the subdivision would have to be submitted

to the City, and must include the access and maintenance for the private road and the access for flag lots 2 and 3.

4. That the east lot line for Lot #2 should be moved 10 feet to the east in order to meet the solar access requirements and provide functional arrangement and design for the subdivision lots. When accomplished, Lot #2 would measure 110 feet east to west, and Lot #3 would measure 90 feet east to west.
5. The Commission expressed desire to retain mature trees, but recognized the potential hazard that could result if the trees are unhealthy. It was agreed that mature trees may only be removed if recommended by an urban arborist. Trees located between Lots #2 and #4 should only be removed prior to the final building inspection upon approval of the Planning Commission.
6. The Commission agreed that in order to provide adequate access in a functional design, the private road should extend 150 feet to the east and be moved 100 feet north of N.E. 10th Avenue. In order to provide a functional and safe sidewalk, the sidewalk for the private road should be on the west and north sides of N.E. 10th Avenue.
7. The Commission discussed the issue of sidewalks on N.E. 10th and was in agreement that rather than accepting a waiver of remonstrance, that it should be done at the time construction takes place, especially as 10th Avenue is #2 on the list of priorities.
8. The Commission discussed the issue of open space, in particular the 30 x 100 foot strip to the west of the new private drive. It was agreed that maintenance of such area would be contained in the CC&R's.
9. Commissioner Maher explained that she felt the application was not in conformance with the criteria which requires that the application be complete. Commissioner Elliot agreed that the plat map was incomplete, especially as it did not denote where neighboring properties are located. Commissioner Wiegand agreed with both Commissioner Maher and Elliot. **Eva Hunt, 840 N.E. 10th, Miki Drury and Mark Kaija, 651 N. Knott** requested more accurate measurements be submitted by Mr. Harmon. Mr. Kaija suggested they be submitted prior to approval. Mr. Hoffman explained that new information was submitted after the application was filed and that anyone can request a continuance or that the file be left open for seven days in order for the Commission to receive written material. With no response to this statement, Mr. Hoffman explained that before the design is accepted in

its final form officially, a very detailed final plat must be submitted to the City and the County. Mr. Harmon agreed to submit a more accurate drawing within 3-4 months and to show it to the concerned neighbors after he submits it to the City. Commissioner Schrader explained that it must be consistent with the map of record that Mr. Harmon submitted and that the Planning Commission relied upon.

10. The Commission discussed addressing. It was agreed that addressing should abide by the Fire Marshal's concerns.
11. Commissioner Fenske reminded staff that since the easternmost property line of Lot #2 was being moved to the east, wording should be added to Condition #6 regarding a reciprocal agreement for the two flag lots.

Based on the findings and conclusions contained in the staff report dated October 29, 1993, on testimony, and on Commission deliberations, **Commissioner Mihata moved** to approve SUB 93-04 with the following conditions, as revised:

1. Utility easements shall be provided. All interior lot lines are to be six (6) feet wide. A twelve (12) foot utility easement shall be provided along N.E. 10th Avenue and along N. Noble Court (the private access road).
2. The final plat shall reference this land use application - City of Canby, File No. SUB 93-04, and shall be registered with the Clackamas County Surveyor's Office and recorded with the Clackamas County Clerk's Office. Evidence of this shall be provided to the City of Canby Planning Department prior to the issuance of building permits requested subsequent to the date of this approval.
3. The final plat mylars must contain, in the form specified, all information necessary to satisfy all matters of concern to the County Surveyor, or his authorized Deputy, including, but not necessarily limited to various matters related to land surveying, land title, plat security, and plat recordation.
4. The private road shall be located to the right of the existing cedar trees if the trees are kept.
5. The private road shall be named North Noble Court.

6. The east lot line of Lot #2 shall be moved ten (10) feet further to the east. A reciprocal access and maintenance easement shall be filed for Lots #2 and #3.

As a part of construction:

7. A fire hydrant shall be placed 100 feet north of N.E. 10th Avenue.
8. N.E. 10th Avenue shall be improved with widening of the pavement, and placement of curbs and a sidewalk. Improvements shall be approved by the Public Works Department. N. Noble Court shall be constructed, at a paved width of twenty (20) feet with curbs and sidewalk, 100 feet north of N.E. 10th Avenue and then 150 feet east. The sidewalk shall be located to the west and north side of N. Noble Court.
9. Any necessary utilities shall be constructed to the specifications of the utility provider.
10. Street name and traffic control signs shall be provided at the developer's expense. This shall include "STOP" street signs where required by the Director of Public Works. "NO PARKING" signs shall be posted on N. Noble Court.
11. Erosion-control during construction shall be provided by following the recommendations of the "Erosion Control Plans Technical Guidance Handbook," by Lori Faku and Rick Raety, dated November 1989, as revised (currently January, 1991).
12. Storm water drainage and design for the subdivision shall be approved by the Director of Public Works.
13. The design and construction of the sewer system for the subdivision shall be approved by the Director of Public Works.
14. The location and design of turnarounds for emergency vehicles shall be approved by the Fire Marshal.
15. The turnaround in N. Noble Court shall not be used for parking, and signs shall be posted to indicate this restriction.
16. The trees between Lots #2 and #4 shall not be removed without permission of the Planning Commission. If the cedar trees are removed, five street trees, selected from the recommended street tree list, shall be

planted in the road access area (the first 100 feet back from N.E. 10th Avenue). The cedar trees shall not be removed unless recommended by an urban arborist.

Prior to the signing of the Final Plat:

17. The land divider shall follow the provisions of Section 16.64.070, Improvements, in particular, but not limited to subparagraph (O) Bonds, which requires a surety bond, personal bond, or cash bond for subdivision improvements for any improvement not completed prior to the signing of the final plat. The bond shall provide for the City to complete the required improvements and recover the full cost of the improvements.
18. A copy of the CC&Rs for the subdivision, that indicate access and maintenance of the common area, the private road, and the access drive for the flag lots (Lots #2 and #3) shall be submitted to the City.

After construction:

19. "As-built" drawings shall be submitted to the City within sixty (60) days of completion.

Commissioner Fenske seconded the motion and it carried 4-3, with Commissioners Maher, Elliot and Wiegand voting no. Commissioners Elliot, Wiegand and Maher expressed their concern over the incomplete nature of the plat map with respect to where neighboring properties were situated. Commissioner Maher stated that the drawings were not in conformance with the criteria which requires a complete application.

ZC 93-02, an application by John and Pat Watson for approval to rezone a 6.63 acre parcel from R-1, Low Density Single Family Residential, to R-2, High Density Multi-Family, to comply with the Comprehensive Plan land use designation. The property is located at 1111 S.E. 3rd Avenue, at the end of S. Pine Street, south of S.E. 2nd Avenue (Tax Lot 790 Map 3-1E-34C and Tax Lot 2200 of Tax Map 3-1E-33DD).

Chairman Schrader asked if any Commissioner had ex-parte contact or conflict of interest with regard to the Zone Change application or Design Review application by John Watson. None was indicated. Dr. Schrader then reviewed the hearing process and procedures and referred to the applicable criteria that was posted on the board.

Mr. Wheeler presented the staff report. He referred to the area of expansion and explained that the reason for the zone change request is to bring the zoning in conformance with the Comprehensive Plan, where it is designated High Density Residential. The actual ramifications of the change would be to permit expansion without a Conditional Use application. This request would be permitted outright in a R-2 zone, but would require a conditional use approval in an R-1 zone. Additionally, should the approved park not come to fruition, the zone change would permit multi family development. The surrounding land uses were reviewed. Staff recommends that the Planning Commission recommend approval to the City Council.

Applicant

John Watson, 6 Othello, Lake Oswego, 97035 stated that he concurs with the staff report and is available to respond to questions.

With no further testimony, the public portion of the hearings was closed for Commission deliberation.

1. The Commission agreed it is best to upgrade the zoning to conform with the Comprehensive Plan.
2. The Commission reviewed staff's findings and conclusions contained in the October 29, 1993 staff report and agreed to recommend approval of the ZC 93-02 to City Council.
3. The Commission expressed concern about the length of the driveways to the six new units and discussed whether they were adequate for emergency vehicle turnarounds. Mr. Wheeler explained that Jack Stark was sent a copy of the application and no comments were returned to staff.
4. The Commission questioned whether more open space should be required in light of the addition of six lots.
5. The Commission agreed that the conditions of approval for the previous Design Review application and Conditional Use application would apply to this application, unless otherwise mentioned.
6. The Commission discussed the necessity of a fire hydrant placed to serve the additional six sites.

Based on the findings and conclusions contained in the staff report dated October 29, 1993, on testimony at the hearing, and on Commission deliberations, **Commissioner Fenske moved to recommend approval of ZC 93-02 to City Council.** **Commissioner Wiegand seconded the motion and it carried unanimously.**

DR 93-07, an application by John and Pat Watson for Site and Design Review approval to expand an approved manufactured home park (CUP 92-10, DR 92-09) with an additional six manufactured home sites. The parcel is located at 1111 S.E. 3rd Avenue, at the end 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 asked if any Commissioners had ex-parte contact or conflict of interest. None was indicated. He then reviewed the hearing process and procedures.

Mr. Wheeler presented the staff report. He explained that in the original design of this park, the right-of-way was uncertain. It originally had the right-of-way on Pine and 3rd located approximately 80 feet to the south of the northern property line. The shift in the right-of-way has no left vacant land between the right-of-way and the approved manufactured home park, leaving this vacant land [80 feet] available for more housing sites, the purpose of this application. The original approval did not have the right-of-way location for S.E. 3rd fixed and it has now become fixed along the northern property line. There has been approval for the buffering between the park and industrially zoned land in the form of a sight-obscuring wood fence. Landscaping will be provided along the S.E. 3rd frontage, and a row of trees along S. Pine, south of S.E. 3rd Avenue, which will be moved to the north so as to include this proposed expansion, if approved. Sidewalks along S.E. 3rd and S. Pine will be set in 5 feet, and street trees will be planted between the sidewalk and the street. The expansion will bring the main entrance to the park back out to S.E. 3rd Avenue where it was originally intended. The entrance will be as it was originally approved, but it will be located on the expansion area, next to the street.

Concern has been raised by a nearby industry regarding the condition of S. Pine and the traffic at the intersection of S. Pine/Highway 99-E, which is part of the overall construction design of the industrial road. Until the main road is constructed by the City, a 20' paved roadway will be constructed for access to the manufactured home park. Three individual lots will each have access off a driveway.

Under the original approval, 60 sites were approved. If the ordinance is amended to allow more units per the approved access, or if a second access point is provided, 74 sites would be permitted. No homes will be permitted on sites 3-10 until there is a change in the number of access points.

Staff recommends approval, with conditions, which Mr. Wheeler reviewed.

Applicant

John Watson, 6 Othello, Lake Oswego 97035 explained that the right-of-way location was not tentative in the original application, but that after the City purchased the Kraxberger property, the location changed because S.E. 3rd changed and the sewer was constructed. The location change was to correspond with the Commission concerns expressed at the previous hearing. When the street layout changed, a portion of the open space in the northwestern part of the developed was vacated. The six new lots are surrounded by Pine Street, and he plans to resolve the Commission's concerns with Mr. Stark when he returns to Canby. He pointed out that the homes will be less than 500 feet from where the hydrant is currently planned to be located, rather than at the entranceway. Further, he stated that he plans to contribute towards signal improvements and street improvements and is waiting for a dollar figure from the City. The six units in question are intended to be used as models, and he is holding off on building 6 units around the existing house in order to do so.

Mike Schwartz, Landscape Architect, 812 NW 17th, Portland stated that under the new plan submitted, the entry sign is in the same place as before. The brick wall has been changed to a wooden screen at the front, and the 2 islands will be built with low shrubs in the entryway. Due to vision clearance, the brick wall on the access road to the new sites was pulled further back. Planting of grass and plants on every lot will follow previously submitted guidelines, and an automatic irrigation system will be installed along Pine. Regarding planting street trees between the sidewalk and curb, Mr. Schwartz explained that roots often ruin existing sidewalks, and that it is best to plant them behind the street, leaving the street and curb close together. Planting strips, he added, are usually 4 feet, but 5 and 6 feet would be more favorable.

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

1. The safety issue with regard to access points in a large development with limited access, which is surrounded by a fence and trees.
2. The possible change to the ordinance, with regard to number of access points.
3. The City purchase and removal of the house on the old Kraxberger property on S. Pine. The fact that the portion of the southern part of S. Pine, where a part of the sewer is located, goes through Mr. Watson's property, and the fact that he dedicated it to the City. Concern was expressed about the one remaining house on S. Pine, north of the old Kraxberger place.
4. The length of the driveway to access the additional six units, and whether they were adequate for turnarounds for emergency vehicles. Staff explained no comments regarding this issue were received from the Fire Marshal. The Commission agreed that the location of the fire hydrant and turnarounds should be approved by the Fire Marshal, and that the hydrant should meet the standards of the Canby Utility Board and the Fire Marshal.
5. The concern from Toolmec was discussed and the Commission was made informed of the fact that Toolmec appeared to be unaware of the fact that 60 units were previously approved.
6. Whether or not, with 6 additional sites, more open space should be required. Staff explained that the previously approved open space exceeded requirements.
7. The applicant's fair share contribution toward a signal at the 99-E/Pine intersection. Staff explained that the City is putting together an advanced financing package and will report more about it at the next meeting.
8. The quality of maintenance on City streets versus private streets.

Based on the findings and conclusions contained in the staff report dated October 29, 1993, on testimony, and on Commission deliberations, Commissioner Maher moved for approval of DR 93-07 with the following conditions:

1. The approval of the Site and Design Review is not effective until the Zone Change application, ZC 93-03, has been approved by the City Council.

2. The conditions of approval for DR 92-09 and CUP 92-10 apply to this application, except where specifically mentioned otherwise.
3. The three separate tax lots shall be combined (cancel-and-combine process with the County) prior to the placement of any homes.
4. The location of the fire hydrant and turnarounds shall be approved by the Fire Marshal. The hydrant shall meet the standards of the Canby Utility Board and the Fire Marshal.
5. The changes that this application will affect in the stormwater and utility systems, as designed in the approval of the main park, shall be incorporated into the overall plans. Changes in the system requirements of the utilities shall be approved by the appropriate utility service providers.
6. The portion of the manufactured home site that is to be landscaped (at least 1600 square feet) shall include no more than 5% barkdust or similar material at the time of maturity of the landscape (3 years).
7. A maximum number of 60 units shall apply to the overall park. Homes are not permitted on sites 3-10 of the original approval. These restrictions apply until a second access point is constructed, and/or the ordinance is amended to allow a minimum of 74 units with the access as provided for in these plans.

Commissioner Elliot seconded the motion and it carried unanimously.

MLP 93-06, an application by Brad and Karen Roberts to partition a .59 acre parcel into three lots, 0.19 acres, 0.16 acres, and 0.23 acres, respectively. The existing house will remain on Parcel #1, and to partition Parcel #2 and Parcel #3 for future development. A 10 foot public walkway easement is proposed to connect N. Knott to N.E. 9th Avenue. The parcel is located on the south side of N.E. 9th Avenue, east of N. Juniper, known as 279 N.E. 9th Avenue (Tax Lots 9100 and 9500 of Tax Map 3-1E-33BD).

DUE TO THE LATENESS OF THE HOUR, THE PUBLIC HEARING FOR MLP 93-06 WAS CONTINUED TO NOVEMBER 22, 1993.

IX. DIRECTOR'S REPORT

None

X. ADJOURNMENT

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

Respectfully submitted,


Joyce A. Faltus